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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.06.2025**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.(MD) No.17417 of 2025
and
W.M.P.(MD) Nos.13282, 13284 and 13286 of 2025

1.K.Vannian Kothandaraman

2.A.Arumugam ... Petitioners

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Street,
Nungambakkam,
Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
B1-Road, Ellis Nagar,
Madurai 625 016. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned orders, dated 06.09.2024 passed in Se.Mu.Na.Ka.No.9373/2022-1/A1 and Se.Mu.Na.Ka.No. 9373/2022-2/A1, dated 06.09.2024 by the 2nd respondent

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and quash the same as arbitrary, illegal, and unconstitutional and consequently direct the respondents 1 and 2 not to interfere in to the petitioners' Hereditary Trusteeship in administrating the Arulmighu Muthalamman Thirukovil, situated at Virattipathu Village, Madurai West Taluk, Madurai District.

For Petitioners : Mr.V.Nagendran

For Respondents : Mr.SS.Madhavan
Additional Government Pleader

ORDER

Mr.SS.Madhavan, learned Additional Government Pleader takes notice for the respondents.

2.This writ petition has been filed by the petitioners to quash the impugned suspension orders, dated 06.09.2024, whereby two of the hereditary trustees have been suspended under Section 53(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 *(herein after referred to as Act)*.

3.The respective impugned orders mandate the hereditary trustees, who have been suspended, to reply within a period of 30 days from the date of receipt of a copy of the said order. It appears that the petitioners have also responded to

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the charges in the impugned orders suspending them of their trusteeship on 03.10.2024.

4.The admitted position is as on date that no order has been passed pursuant to the reply of the petitioners. However, it is informed that on the same day, a Fit Person was appointed, who has not been impleaded by the petitioners.

5.It is further submitted that the petitioners had locked the temple and therefore, the lock was broken with the help of the local police in connection with செவ்வாய் சாட்டுதல, which commenced on 24.06.2025. In fact, an order came to be passed by this Court on 24.06.2025 in W.P.(MD) No.17001 of 2025 filed by one Jegadeeswaran, who had prayed for conducting the festival.

6.The said writ petition also came to be disposed of at the time of admission, by directing the official respondents to conduct the festival. This writ petition has now been filed perhaps to put spokes in the temple festival, which has already commenced on 24.06.2025, which is come to end on 02.07.2025.

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7.Considering the fact that a Fit Person has already been appointed, the remedy of the petitioners is to challenge the same by way of Revision before the Commissioner. In case, the copy of the order appointing the Fit Person on the same day, ie., on 06.09.2024 is not available with the petitioners, the petitioners may have a right to approach the official respondents to obtain the same and to challenge the same in the manner known to law. It is open for the petitioners to make all the submissions in this regard.

8.Since the petitioners have already replied to the charges in the impugned orders, suspending the petitioners of their trusteeship as early as on 03.10.2024, there shall be a direction to the second respondent/the Joint Commissioner to consider the aforesaid objections of the petitioners and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of 30 days from the date of receipt of a copy of this order.

9.Needless to state, the petitioners shall be heard before final orders are passed. All the rights of the petitioners will be subject to the final orders to be passed pursuant to the orders to be passed by the second respondent. The

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continuation of the Fit Person appointed on 06.09.2024 will however subject to the valid challenge before the Commissioner under Section 21 of the Act.

10.It is made clear that in case the petitioners decide to file a Revision under Section 21 of the Act against the order, dated 06.09.2024, the same shall be filed within a period of 30 days from the date of receipt of a copy of this order or within a period of 30 days from the date of receipt of the aforesaid order based on the representation, whichever is later.

11.With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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27.06.2025

To

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Hindu Religious and Charitable Endowment Board,
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Nungambakkam, Chennai 600 034.

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2.The Joint Commissioner,
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C.SARAVANAN, J.

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