



W.P.(MD)No.15953 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.15953 of 2025

M.Rajendran

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Chennai 34

2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanajvur

3.The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukkottai

4.The Executive Officer,
Arulmighu Maavayal Kattu Ayyanar Temple,
Keelathaniyam
Office At.
Arulmighu Pudukkottai Devasthanam,
(Near Parkathambal Thirukovil),
Thirukokarnam, Pudukkottai.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to immediately appoint the temporary poosaris, among one from the Ponnam Poosari Vagaiyara and another one from Sankan Poosari Vagaiyara, who are the Forefathers cum Hereditary Poosaris of the temple, on the basis of Poojai Service Inam Lands Records as well as the Field Report of the Assistant Commissioner dated 07.08.2024 and Report of the Executive Officer dated 09.08.2024 of the Temple by rotation mode or otherwise, prior to the Aadi Temple Festival going to be held in July 2025(Aadi Festival) of Arulmigu Maavayal Kattu Ayyanar Temple, Keelathabiyam, Ponnamavaravathi Taluk, Pudukkottai District within a time frame to be fixed by this Court on the basis of the petitioner's representation, dated 21.05.2025.

For Petitioner	: Mr.Ramesh Mahadev
For R1 to R3	: Mr.S.S.Madhavan Additional Government Pleader
For R4	: Mr.G.Mathavan
For Intervener	: Mr.Babu Rajendran

ORDER

This writ petition has been filed for very wide relief for appointing the poojari for the subject temple, namely, Arulmighu Maavayal Kattu Ayyanar Temple, from among the Ponnam Poosari Vagaiyara and another from Sankan Poosari Vagaiyara, who according to the petitioner, are the forefathers cum



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records.

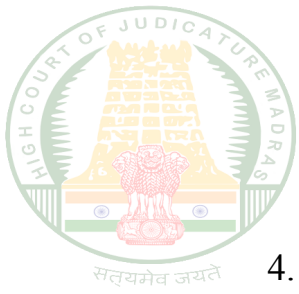
Hereditary Poojaris of the temple on the basis of poojai service inam land

2. The prayer for the appointment of a temporary poojari is contrary to the mandate of Section 55(2) of the Hindu Religious and Charitable Endowments Act, 1959, which reads as follows:

“55. Appointment of office-holders and servants in religious institutions.

(2) No person shall be entitled to appointment to any vacancy referred to in sub-section (1) merely on the ground that he is next in the line of succession to the last holder of the office.”

3. That apart, it is noted that pursuant to the order passed by this Court, in W.P(MD)No.12295 of 2024, dated 14.06.2024 filed by one Karuppaiah, this Court directed the official respondents therein to appoint a temporary Poojari in the place of the fifth respondent and they now appointed one Murugesan, S/o.Raman, who has been alleged to has committed serious offence of rape and is an accused in Crime No.22 of 2025 dated 30.01.2025. It is the specific case of the petitioner that as on date, there is no person, who is officiating or conducting pooja in the said temple and therefore there is vacant. Therefore, the prayer for the appointment of a poojari be allowed.

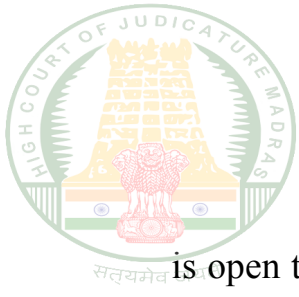


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4. The learned counsel for the intervener appearing on behalf of the Sankan Poosari Vagaiyara had brought attention to the order of the fourth respondent, who has categorically stated that the Ponnam Poosari Vagaiyara are not the forefathers and that there is misrepresentation made by the petitioner herein.

5. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3, learned counsel for the fourth respondent and the learned counsel for the intervener.

6. I am of the view that the relief sought for in this writ petition cannot be granted as the prayer is contrary to Section 55(2) of the Hindu Religious and Charitable Endowments Act. However, considering the fact that no poojari in the temple, there shall be a direction to the fourth respondent to appoint a person, who has adequate knowledge about the rituals in the temple without any adverse remarks and blemish. The said exercise shall be completed by the fourth respondent as expeditiously as possible preferably within a period of 30 days from the date of receipt of a copy of this order after giving due notice in a paper publication inviting the application for the appointment of a poojari on temporary basis pending resolution of all other disputes relating to the temple. It



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is open to both the Ponnamm Poosari Vagaiyara and Sankar Poosari Vagaiyara to apply for the same position.

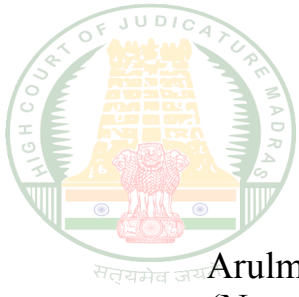
7. The writ petition stands disposed of. There shall be no order as to costs.

13.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Chennai 34
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanajvur
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Arulmighu Pudukkottai Devasthanam,
(Near Parkathambal Thirukovil),
Thirukokarnam, Pudukottai.



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This case is listed under the caption “For Being Mentioned”.

2. It is informed that the last line in Paragraph No.6 of the order dated 13.06.2025 is being interrupted to mean as if Poonnam Poosari Vagaiyara exist, there is some ambiguity on the issue. Therefore, the Paragraph No.6 of the order dated 13.06.2025 in W.P(MD)No.15953 of 2025 shall be substituted as follows:

“6. I am of the view that the relief sought for in this writ petition cannot be granted as the prayer is contrary to Section 55(2) of the Hindu Religious and Charitable Endowments Act. However, considering the fact that no poojari in the temple, there shall be a direction to the fourth respondent to appoint a person, who has adequate knowledge about the rituals in the temple without any adverse remarks and blemish. The said exercise shall be completed by the fourth respondent as expeditiously as possible preferably within a period of 30 days from the date of receipt of a copy of this order after giving due notice in a paper publication inviting the application for the appointment of a poojari on temporary basis pending resolution of all other disputes relating to the temple. It is open to all the persons who are competent shall apply for the post.”

3. Registry is directed to carry out necessary correction in the order, dated 13.06.2025 and issue fresh order copy to the parties.

07.07.2025

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