



W.P.(MD)No.16517 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P(MD)No.16517 of 2019

and

W.M.P(MD)Nos.13165 & 13167 of 2019

P.Subramanian

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Trichy.
- 3.The Executive Officer,
Arulmigu Ponnar Sankar Temple,
Valanadu,
Marungapuri Taluk,
Trichy District.
- 4.The Fit Person,
Arulmigu Ponnar Sankar Temple,



W.P.(MD)No.16517 of 2019

Valanadu,
Marungapuri Taluk,
Trichy District.

5.N.R.Thiruvengatam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Proceedings in Pro.Rc.No.10306/2019/A1 dated 13.03.2019 and quash the same.

For Appellant : Mr.H.Lakshmi Shankar

For Respondents : Mr.J.K.Jeyaselan
Government Advocate
for R.1 & R.2

Mr.A.N.Ramanathan
for R.3 & R.4

Mr.P.Ganapathi Subramanian
for R.5

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The case on hand pertains to the administration of Arulmigu Ponnar Sankar Thirukovil, Valanadu. One G.Vignesh filed W.P(MD)No.



W.P.(MD)No.16517 of 2019

3162 of 2018 for directing the authorities under the HR&CE Act to conduct an enquiry and take appropriate action against one of the trustees, namely, Thiru.Chandrasekaran. The writ petition was disposed of on 16.02.2018 directing the Joint Commissioner, Trichy to consider the writ petitioner's representation and pass appropriate order.

3.Pursuant to the said direction, the Joint Commissioner, HR&CE, Trichy vide proceedings dated 16.07.2018 called for report from the Executive Officer as well as the hereditary trustees, namely, Chandrasekaran and Thiruvengatam. After receipt of the reports, the Joint Commissioner, HR&CE, Trichy vide proceedings dated 28.02.2019 placed both the trustees Thiruvengatam and Chandrasekaran under suspension. Thiruvengatam submitted a letter dated 08.03.2019 before the Commissioner, HR&CE. The Commissioner, HR&CE vide proceedings dated 13.03.2019 set aside the order of suspension passed by the Joint Commissioner on Thiruvengatam. The appointment of Fit Person was also set aside. Challenging the same, the petitioner herein had filed this writ petition.



W.P.(MD)No.16517 of 2019

4.After hearing the learned counsel on either side, we are more than satisfied that the impugned order is liable to be set aside on a short ground. The order of suspension was passed only on 28.02.2019. It is true that the order was passed by the Joint Commissioner. Therefore, the Commissioner, HR&CE would have jurisdiction under Section 21 of the Act to revise the order of the Joint Commissioner. Thiruvengatam one of the suspended hereditary trustees, did not file any formal revision petition. He merely sent a letter dated 08.03.2019. We are inclined to overlook the technicality and construe the said letter dated 08.03.2019 as a revision petition.

5.Section 21(1) of the Tamil Nadu HR&CE empowers the Commissioner to call for the records of any Joint or Deputy or Assistant Commissioner or of any trustee of a religious institution other than a math or a specific endowment attached to a math and pass an appropriate order after satisfying himself as to the regularity of such proceeding or the correctness or legality or propriety of any decision or order passed therein. The very essence of revisional jurisdiction is the calling for records. In the case on hand, though it is mentioned in Paragraph No.3 of the impugned order that the order was passed “on perusal of the connected records”. We are of the view that nothing in the impugned



W.P.(MD)No.16517 of 2019

order indicates that the records of the Joint Commissioner were actually called for.

6.The letter dated 08.03.2019 was followed by the impugned order dated 13.03.2019. If the Commissioner, HR&CE had called for the records on the Joint Commissioner, it could have been only by way of formal proceedings. No such proceedings are reflected or referred to in the reference column of the impugned order.

7.As rightly contended by the learned counsel for the writ petitioner, apart from calling for records, the report of the Joint Commissioner ought to have been obtained. Only then we can conclude that there is compliance of principles of natural justice. Since the procedure laid down in Section 21 of the Act was not followed, the order impugned in this writ petition stands quashed. The matter is remitted to the file of the Commissioner, HR&CE. We have already directed vide order dated 03.12.2025 in W.A(MD)No.765 of 2020, that the *suo motu* revision proceedings be concluded within six months. The present issue shall also be taken up along with the *suo motu* revision proceedings and an appropriate order shall be passed.



W.P.(MD)No.16517 of 2019

8.This Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [R.K.M, J.]

03.12.2025

2/3

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Trichy.
- 3.The Executive Officer,
Arulmigu Ponnar Sankar Temple,
Valanadu,
Marungapuri Taluk,
Trichy District.
- 4.The Fit Person,
Arulmigu Ponnar Sankar Temple,
Valanadu,
Marungapuri Taluk,
Trichy District.



WEB COPY



W.P.(MD)No.16517 of 2019

G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

MGA

W.P(MD)No.16517 of 2019

03.12.2025

2/3