BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM

**THE HON'BLE MR.JUSTICE C. SARAVANAN**

**W.P.(MD) No.16626 of 2025**

Saadhu Sennimalai Thambiran
Swami Madam (Trust) Palani
Rep. by Gopinath,
S/o.T.S.Palanisamy,
Hereditary Trustee
Door No.156, Dindigul Road,
Palani, Dindigul District. ... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nungambakkam High Road,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable
Endowment Department,
Dindigul.

3.The Deputy Commissioner,
A/M Dhandayutha Pani Samy Temple,
Palani Taluk, Dindigul District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the second respondent to take necessary action forbearing the third respondent from interfering in petitioner's management/administration of "Chennimalai Thamburan Swami Madam" as trustee being the legal heir of the founder Chennimalai Gounder on the basis of the petitioner's representation dated 20.05.2025 till the disposal of O.A.No.24 of 2024.

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|---|---|
| For Petitioner | : Mr.R.G.Sankar Ganesh |
| For R1 & R2 | : Mr.S.S.Madhavan<br>Additional Government Pleader |
| For R3 | : Mr.R.Murali |
| For Fit Person | : Mr.R.R.Kannan |

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**ORDER**

This is the second round of litigation at the behest of the petitioner, who claims himself to be a hereditary trustee. However, it is noticed that the petitioner has already filed O.A.No.24 of 2024 under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The petitioner has already filed a Writ Petition before this Court in W.P.(MD) No. 29128 of 2024, without impleading the fit person.

2. In this Writ Petition also, the petitioner has not impleaded the fit person again and asked for a mandamus, directing the second respondent

to take necessary action to forbear the third respondent from interfering with the petitioner's management and administration of 'Chennimalai Thamburan Swami Madam' as its trustee, being the legal heir of the founder, Chennimalai Gounder, based on the petitioner's representation dated 20.05.2025, until the disposal of O.A.No.24 of 2024.

3. The petitioner cannot simultaneously pursue remedies before this Court and before the Joint Commissioner under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. That apart, the petitioner has suppressed a material fact in this Writ Petition, namely that he had earlier filed W.P.(MD) No. 29128 of 2024 seeking the following relief:

> “for the issuance of a Writ of Mandamus, directing the fourth and fifth respondents [The District Registrar and the Sub Registrar] to make an entry as 'DOCUMENT CANCELLED' in accordance with the order passed in C.R.P.No.29 of 2009, dated 07.11.2014, to be recorded below the entries of the sale deeds dated 17.05.2001, bearing Document Nos. 866, 867, 868, 869, and 870, in the Encumbrance Certificate, based on the petitioner's representations dated 05.10.2024 and 18.11.2024.”

4. In the said Writ Petition, the case of the petitioner was that the petitioner's mutt was an immovable property but was under the control of

the first respondent. The said Writ Petition was dismissed by an order dated 04.12.2024. The relevant portion of the said order reads as under:

> 2. The petitioner is claiming to be Trustee of the petitioner's trust and submit a representation to make an entry in respect of the order passed in C.R.P.No.29 of 2009 dated 07.11.2024.
>
> 3. The petitioner's mud is an immovable property. It is under the control of the first respondent due to fraudulent act. The documents were registered in respect of the petitioner's property comprised in S.No. 59/2B to an extent of 3 acres 82 cents in favour of the respondents 7 to 11 herein by sale deed dated 17.05.2021 registered vide documents Nos.866 to 870. Subsequently, the respondents 7 to 11 had executed the sale deed in favour of the 12th respondent registered vide document No.1668/2002, dated 15.07.2002.
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> 4. Similarly, the respondents 7 to 11 had also executed another sale deed dated 17.03.2003 vide document No.397 of 2003 in favour of the 13th respondent. Therefore, the respondents 1 and 2 have filed a petition in C.R.P. (NPD)No.29 of 2003, challenging the order dated 06.12.1999 passed in O.P.No. 7 of 1996. It was allowed by an order dated 07.11.2014. However, the purchaser has filed an appeal before the Hon'ble Supreme Court in S.L.P.(Civil) Diary No. 16965 of 2024 and obtained interim order of stay by an order dated 04.11.2024. While being so, the petitioner has submitted a representation to make entry of the order passed by this Court in C.R.P.No.29 of 2009 dated 17.11.2023.
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> 5. The learned Counsel appearing for the third respondent submits that the Mad is now administered by the fit person. The petitioner wantonly, wrongly

> stated as Special Officer of the Mad. The petitioner has no locus to file this writ petition, since the petitioner neither Trustee nor any member of the Administrative Committee. Originally, the trust has been formed by five trustees and the petitioner is no way connected with the said Trustee. In order to substantiate his position, he wantonly filed this writ petition. That apart, the order already passed by this Court has been stayed by the Hon'ble Supreme Court.
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> 6. If the respondents 1 and 2 are succeeded before the Hon'ble Supreme Court, the third respondent namely, the fit person of Mad is at liberty to make fresh application before the registering authority to make an entry.
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> 7. Therefore, the representation submitted by the petitioner cannot be considered and the writ petition is itself devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

5. Considering the fact that the petitioner has already approached the Joint Commissioner under Section 63(b) of the Act, the question of granting any interim protection to the petitioner during the interregnum, pending disposal of O.A. No. 24 of 2024, cannot be countenanced. Therefore, this Writ Petition is liable to be dismissed on this ground. Apart from the above, the petitioner is also guilty of non-joinder of a necessary party, i.e., the fit person.

6. Since the O.A. is pending before the Joint Commissioner under Section 63(b) of the Act, there shall be a direction to the second respondent/Joint Commissioner to dispose of O.A. No. 24 of 2024 within a period of six months from the date of receipt of a copy of this order. Needless to state, before passing such an order, all concerned persons who are likely to be impacted by the order to be passed under Section 63(b) of the Act, at the behest of the petitioner, shall be heard.

7. With the above observations, this Writ Petition stands dismissed. No costs.

**19.06.2025**

JEN

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes/No
Speaking Order / Non-Speaking Order

To

1.The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nungambakkam High Road,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Dindigul.

**C.SARAVANAN, J.**

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W.P.(MD) No.16626 of 2025

19.06.2025