

W.P(MD)No.16731 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM

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

W.P(MD).No.16731 of 2025

and

W.M.P.(MD).Nos.12696 and 12697 of 2025

P.Kolappan

... Petitioner

**Vs.**

1.The Executive Officer,  
Vembadi Esakkiamman Kovil,  
Tuticorin.

2.The Assistant Commissioner,  
Hindu Religion & Charitable Endowment Department,  
Tuticorin.

3.The Joint Commissioner,  
Hindu Religious & Charitable Endowment Department,  
Tuticorin.

...Respondent

**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 of the impugned order dated 15.04.2025 on the file of the first respondent and quash the same.

For Petitioner

: Mr.G.Prabhu Rajadurai

For Respondent

: Mr.S.S.Madhavan



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Additional Government Pleader

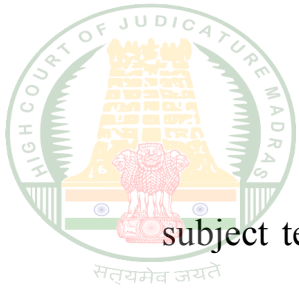
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**ORDER**

This writ petition has been filed to quash the impugned order dated 15.04.2025 on the file of the first respondent.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.It appears that the subject temple namely Kathiresan Temple is a public temple, although it is claimed that it was started by the ancestors of the petitioner. In the background of this impugned order is an earlier order dated 10.04.2013, passed by the Assistant Commissioner appointing a fit person on the ground that no hereditary trustee was available. It appears that there was no hereditary trustee or competent authority to manage the affairs of the temple, therefore, a fit person was appointed. However, the said order was not acted upon and the fit person appointed on 10.04.2013 never took charge of the temple. Meanwhile, the petitioner filed a suit in O.S.No.200 of 2022 on the file of the learned Additional District Munsif, Thoothukudi, to declare the

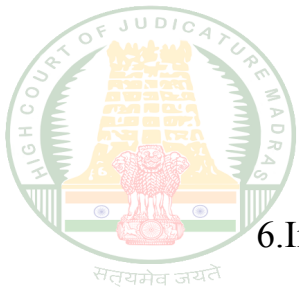


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subject temple as a denomination temple. However, the same was dismissed for non-prosecution on 18.03.2025. Pursuant to which, the present impugned order has been passed by the first respondent on 15.04.2025, in the exercise of power conferred under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

4.The reason provided in the impugned order is the pendency of a charge memo. It is noted that the impugned order has been passed pursuant to the order passed in Na.Ka.No.4675/2022/Aa1, dated 08.04.2025 by the second respondent/Assistant Commissioner appointing a fit person. The copy of the aforesaid order of the second respondent was also produced by the learned Additional Government Pleader.

5.Reading of the aforesaid orders dated 10.04.2013 and 08.04.2025 indicate that all these orders have been passed without proper notice to the petitioner. Since there is a large scale violation of principles of natural justice, the impugned order is liable to be quashed.



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6.In view of the above, the impugned order dated 15.04.2025 on the file of the first respondent is set aside and the case is remitted back to the second respondent/Assistant Commissioner. The second respondent is directed to issue a proper notice to the petitioner to show cause as to why the fit person should not be appointed under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and thereafter, pass appropriate orders. It is needless to state that before passing final orders, the petitioner shall be heard. All the rights known under the law are preserved to be canvassed before the official respondents in the above proceedings.

7.With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

**23.06.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
vsg



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**C.SARAVANAN, J.**

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