



W.P.(MD) No. 18399 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 18399 of 2025
and
W.M.P.(MD) Nos.14118 & 14119 of 2025**

1. Ramukannu

2. Govindasamy

3. Ganapathy.

... Petitioners

Vs

1. The District Collector,
Ramanathapuram District.

2. The Revenue Divisional Officer,
Ramanathapuram.

3. The Tahsildar,
Thiruvadanai.

4. The Commissioner,
Tamilnadu HR & CE Department,
Chennai.

5. The Assistant Commissioner,
Tamilnadu HR & CE Department,
Ramanathapuram.



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6. The Inspector,
Tamilnadu HR & CE Department,
Thiruvadanai,
Ramanathapuram District.

7. The Superintendent of Police,
Ramanathapuram.

8. The Inspector of Police,
Thiruvadanai.

9. Mangaleswaran

10. Ramachandran

11. Rajakannu

12. Muthuraman

13. Shanmugam

14. Manickam.

... 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 fifth respondent, dated 12.06.2025 and quash the same and consequently, direct the fifth respondent to pass a fresh reasoned order after conducting proper enquiry by giving opportunity to the petitioners and other parties concerned in the light of the provisions of the Tamilnadu HR and CE Act.



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For petitioner : Mr. R. Sundar Srinivasan

For respondents : Mr.S.S.Madhavan

Additional Government Pleader for R1 to R6

Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side) for R7 & R8

Mr.R.Manickam for R9 to R14

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioners, learned Additional Government Pleader for the respondents 1 to 6, learned Government Advocate (Crl.Side) for the respondents 7 and 8 and learned counsel for the respondents 9 to 14.

2. The petitioners have aggrieved by the impugned communication/order, dated 12.06.2025 passed by the fifth respondent/Assistant Commissioner of TNHR & CE Department, Ramanathapuram. By the impugned communication, the request of the appointment of a fit person in exercising power under Section 49 of the TN HR & CE Act, 1959 (*hereinafter referred to as 'the Act'*) has been rejected by the fifth respondent on the ground that the temple does not come within the purview of the Act.



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3. The learned counsel for the petitioners has drawn attention to Section 49 of the Act, as per which even in respect of unlisted temple, powers are vested with the Assistant Commissioner to appoint a fit person.

4. It appears that the petitioners have given a complaint against the private respondents 9 to 14 before the fifth respondent on 05.05.2025. During the course of the proceedings, a Peace Committee Meeting is said to have been held on 07.03.2025 on the assumption that the temple does not come under the purview of the TNHR&CE Department.

5. A reading of Section 49(1) of the Act indicates that even in respect of the unlisted temples under Section 46 of the Act, which are not a religious institutions notified or deemed to have been notified under Chapter VI of this Act, the Assistant Commissioner has the same power to appoint trustees including fit persons or constitute a Board of Trustees as is vested in the Government, the Commissioner or the Joint/Deputy Commissioner in the case of a religious institution referred to in clause (a) of sub-section (1), or in sub-section (2), as the case may be, of Section 47.



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6. Thus, the interpretation placed in the impugned order *prima facie* appears to be contrary to the provision of the Section 49 of the Act. Therefore, the impugned order is set aside and the case is remitted back to the fifth respondent to pass a fresh orders on merits, after hearing the private parties within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. The fifth respondent shall depute the sixth respondent to course of inspection and to give a preliminary report and if desired, the fifth respondent shall pass appropriate orders.

8. This Writ Petition is disposed of, with the above observations. No costs. W.M.P.(MD) No.14118 of 2025 is allowed. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

Internet : Yes / No

apd

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Ramanathapuram District.

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C.SARAVANAN, J.

apd

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