



W.P.(MD) No.19917 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

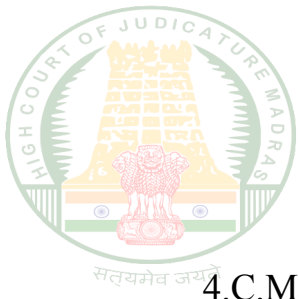
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A/M Sri Ekambareswarar Sametha
Sri Kamatchi Amman Bakthargal Sabai,
Rep. by its Secretary
T.Shanmuganathan,
S/o.Late Thangavel Chettiar,
Door No.67, Kamatchi Amman Kovil Street,
First Gate, Near Gandhi Statue,
Tuticorin - 628 002.

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruvananthapuram Road,
Palayamkottai, Tirunelveli – 11.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.93, Korampallam, Tuticorin.
- 3.Arulmigu Ekambareswarar
Sametha Sri Kamatchi Amman Kovil,
Represented by its Executive Officer,
First Gate, Near Gandhi Statue,
Tuticorin – 628 002.



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4.C.Manoharan

5.T.Balamurugan

6.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi.

... Respondents

[R6 is *suo motu* impleaded vide this order]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Executive Officer/Fit Person of the third respondent temple to take action against the fourth and fifth respondents while they were in administration of Arulmigu Ekambareswarar Sametha Sri Kamatchi Amman Temple situated in First Gate, near Gandhi Statue, Tuticorin - 2 as per the order dated 12.03.2024 made in W.P.(MD) No.26529 of 2019 and further directing the fourth and fifth respondents to hand over the accounts and other related documents for administration of the temple by considering the representations dated 26.04.2025 and 09.07.2025 of the petitioner.

For Petitioner : Mr.S.Sivathilakar

For R1 to R3 : Mr.S.S.Madhavan
Additional Government Pleader

For R6 : Mr.Vaikam Karunanithi
Government Advocate (Criminal Side)



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ORDER

This Writ Petition is being disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Additional Government Pleader for the first to third respondents.

2. The petitioner has filed this Writ Petition for a direction to the Executive Officer/Fit Person of the third respondent temple to take appropriate action against the fourth and fifth respondents, who were in administration of the Arulmigu Ekambareswarar Sametha Sri Kamatchi Amman Temple, situated at First Gate, near Gandhi Statue, Tuticorin - 2, in accordance with the order dated 12.03.2024 passed in W.P.(MD) No. 26529 of 2019 by considering the petitioner's representations dated 26.04.2025 and 09.07.2025 and also for a a direction to the fourth and fifth respondents to hand over the accounts and other related documents pertaining to the administration of the said temple.

3. Earlier, the petitioner had approached this Court in W.P.(MD) No.26529 of 2019 for the following relief:



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For issuance of a Writ of Mandamus directing the respondents 1 to 3 to direct the Fit Person to administer the A/M Sri Ekambareswarar Sametha Sri Kamatchi Amman Temple situated in First Gate, near Gandhi statue, Tuticorin – 2, as per the order dated 14.04.2019 made in Sa.Mu.Na.Ka.No. 5631/2014/A2 on the file of the Joint Commissioner, HR & CE, Tirunelveli, by considering the representation of the petitioner dated 17.10.2019.

4. The said Writ Petition was disposed of on 12.03.2024 with the following observations:

“4.This Court is not inclined to accept the stand taken by the third respondent, inasmuch as there is no interim order in the suit filed against the order of the Joint Commissioner dated 14.04.2019. It appears that the third respondent has not complied with the orders of the Joint Commissioner to facilitate the allegations made as against the fourth respondent.

5.Therefore, this writ petition stands disposed of with a direction to the first respondent / Joint Commissioner to call for explanation from the third respondent as to why the order dated 14.04.2019 has not been complied with and thereafter, to take appropriate action. The first respondent / Joint Commissioner shall find out and appoint another competent person as the Fit Person / Executive Officer of the Temple. Such an exercise of appointment of Fit Person shall be completed within a period of four weeks from the date of receipt of a copy of this order. The Fit Person / Executive Officer to be appointed by the first respondent / Joint Commissioner shall immediately take charge of the Temple and the respondents 4 & 5 herein shall also hand over the



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charge to the newly appointed person.”

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5. It is informed by the learned Additional Government Pleader appearing for the first to third respondents that a Fit Person was appointed on 12.07.2024, pursuant to the order of this Court dated 12.03.2024, and that, based on the representation of the petitioner, notices have been issued to the private respondents, namely, the fourth and fifth respondents, who were non-hereditary trustees of the third respondent temple, namely, Arulmigu Ekambareswarar Sametha Sri Kamatchi Amman Temple. It is submitted that the fourth and fifth respondents, however, have not responded to the said notices.

6. M/s.M.Radha, Executive Officer Grade-III, who was appointed as a Fit Person to the third respondent temple on 12.07.2024, is present before this Court in person.

7. In view of the above facts and circumstances of the case, this Court is of the opinion that, since the fourth and fifth respondents have not responded to the aforesaid notices, one more opportunity may be granted to them.



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8. Therefore, the Fit Person appointed on 12.07.2024 for the third respondent temple is directed to issue a further notice to the fourth and fifth respondents and thereafter take appropriate steps to recover the alleged 118 items, which are said to be missing when the temple was under the control of the fourth and fifth respondents, who were earlier appointed as non-hereditary trustees.

9. The Fit Person shall endeavour to collect all records that are relevant for taking appropriate action. In case the Fit Person so desires, police protection may be sought for to recover the records, jewels/articles, and other items from the private respondents, i.e., fourth and fifth respondents.

10. Therefore, the Inspector of Police, Thoothukudi North Police Station, Thoothukudi, is *suo motu* impleaded as the sixth respondent in this Writ Petition. Mr.Vaikam Karunanithi, the learned Government Advocate (Criminal Side), takes notice for the said impleaded sixth respondent.

11. The sixth respondent is directed to provide adequate police



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protection to the Fit Person for the third respondent temple, as and when such protection is required.

12. In the result, this Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Note: The Registry is directed to carry out the necessary amendment in the cause title with regard to the impleading of the sixth respondent.

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruvananthapuram Road,
Palayamkottai, Tirunelveli – 11.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.93, Korampallam, Tuticorin.
- 3.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi.

C.SARAVANAN, J.



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