



**W.A(MD)No.788 of 2018**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.10.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN  
and  
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A(MD)No.788 of 2018  
and  
C.M.P(MD)No.4642 of 2018**

Sri Nithyananda @ Rajasekar ... Appellant/8th Respondent

Vs

- 1.M.Jagathalapradaan ....1st Respondent/Petitioner
- 2.The State of Tamil Nadu,  
Rep. by its Chief Secretary,  
Fort St. George,  
Secretariat, Chennai-600 009. ...2nd Respondent/1st Respondent
- 3.The Commissioner,  
H.R & C.E. Department,  
119, Mahatma Gandhi Road,  
Nungambakkam,  
Chennai-600 034. ...3rd Respondent /2nd Respondent
- 4.The Joint Commissioner,  
H.R & C.E.Department,  
Madurai-1. ...4th Respondent/3rd Respondent
- 5.The District Collector,  
Madurai District,  
Madurai. ...5th Respondent/4th Respondent



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6.Madurai Adheenam Mutt,  
Rep. by 293rd Pontiff  
Sri La Sri Hari Hara Gnanasambandha  
Desika Paramacharya Swamigal of  
Madurai Aadhinam Mutt,  
70, South Avani Moola Street,  
Madurai. ...6th Respondent/5th Respondent

7.293rd Pontiff  
Sri La Sri Hari Hara Gnanasambandha  
Desika Paramacharya Swamigal of  
Madurai Aadhinam Mutt,  
70, South Avani Moola Street,  
Madurai. ....7th Respondent/6th Respondent

8.Sri La Sri Kumarasundara Sri Gnanasambanda  
Desika Paramacharya Swamigal,  
No.70, South Avani Molla Street,  
Madurai-1. ...8th Respondent/7th Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 05.03.2018 made in W.P(MD)No.19004 of 2017 and allow this writ appeal.

|               |                                                       |
|---------------|-------------------------------------------------------|
| For Appellant | : Mr.G.Rajagopalan<br>Senior Counsel<br>for Mr.S.Ravi |
| For R1        | : Mr.S.C.Herold Singh                                 |
| For R2 & R5   | : Mr.P.Subbaraj<br>Special Government Pleader         |
| For R7        | : Mr.S.Muthuraman                                     |
| For R8        | : No appearance                                       |



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## **JUDGMENT**

**(Judgment of the Court was made by C.V.KARTHIKEYAN,J.)**

The 8th respondent in W.P(MD)No.19004 of 2017 is the appellant herein, aggrieved by the order dated 05.03.2018, by which order, the learned Single Judge had issued certain directions, which directions, the appellant is of the opinion is prejudicial to his interest in prosecuting and defending two separate civil suits, which are now pending before the Sub-Court at Madurai.

2. The writ petitioner had filed W.P(MD)No.19004 of 2017 in the nature of writ of mandamus seeking consideration of two representations given by him dated 29.09.2017 and 04.10.2017 relating to the administration and affairs of the Madurai Aadheenam Mutt. The learned Single Judge while examining the said representations and had dealt with the entire issue in an elaborate manner and had also finally observed that a similar writ petition had been filed before the Principal Bench, which had come for consideration before a Division Bench and had also extracted the operative portion of the Division Bench order,



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wherein it had been held that Article 226 of the Constitution of India could not be resorted to in such cases and that the issues should be determined only on the basis of the pleadings and evidence adduced in the two civil suits namely O.S.No.1038 of 2012 and O.S.No.85 of 2013 then and now pending before the Sub-Court, Madurai.

3. The learned Senior Counsel appearing for the appellant raised a grievance that while disposing of the writ petition, the learned Single Judge had made issued certain direction touching upon the merits of the two suits and therefore urged that an observations should be made clarifying that the opinion of the learned Single Judge should not influence the mind of the learned Sub-Judge, Madurai at the time of examining the merits of the two civil suits.

4. The learned Senior Counsel further pointed out that seeking the same relief as sought for in the writ petition relating to *inter se* disputes in the Madurai Aadheenam Mutt, an earlier writ petition had been filed by the present writ petitioner before the Principal Bench in the year 2012 and notwithstanding the orders passed by the Division Bench



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therein, the writ petitioner had again filed a writ petition before this Court seeking examination of two representations, one given to the Commissioner of Police, who was not a party to the writ petition and another to the Chief Secretary to the Government of Tamil Nadu.

5. We have heard the learned Senior Counsel appearing for the appellant and also heard the learned counsel for the respondents, particularly, the learned counsel for the writ petitioner, who is the first respondent in the writ appeal and also the learned Special Government Pleader appearing for the HR & CE.

6. We have given anxious consideration to the arguments advanced on either side.

7. It should be mentioned that the Commissioner, HR & CE had also instituted O.S.No.1000 of 2012 before the Sub-Court, Madurai but had permitted it to be dismissed for non-prosecution. That particular suit also related to the dispute regarding succession to the Madurai Aadheenam Mutt.



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8. We find from the records that the pleadings in the two suits which are now pending are comprehensive in nature touching upon the rights of the respective plaintiffs and defendants. It would only be appropriate that the Sub-Judge, Madurai is given the freedom to examine the issues on the basis of the oral and documentary evidence adduced therein, uninfluenced by any of the observations made by the learned Single Judge while disposing of the writ petition.

9. We would, therefore, clarify that the order in the writ petition should not be pressed into service by either of the parties during the course of trial in the two civil suits in O.S.No.1038 of 2012 and O.S.No.85 of 2013 before the Sub-Court, Madurai. The parties may rely only on the evidence adduced by them de hors the observations made in the writ petition and argue the issues in the two suits on the basis of such evidence adduced by them.



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10. The writ appeal stands disposed of with the above said clarification and observations. No costs. Consequently, connected miscellaneous petition is closed.

**(C.V.K., J.) (R.V., J.)**  
**23.10.2025**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
am

To

- 1.The Chief Secretary,  
Fort St. George,  
Secretariat, Chennai-600 009.
- 2.The District Collector,  
Madurai District,  
Madurai.

Copy To

The Sub-Court,  
Madurai.



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**C.V.KARTHIKEYAN, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

am

**ORDER MADE IN**  
**W.A(MD)No.788 of 2018**

**23.10.2025**