



W.P.(MD) No. 20495 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 20495 of 2025

S.Kathiresan Poosari

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Tourism,Culture and Religious Endowments
(RE 3-1)department

Fort St. George,
Chennai - 9.

2. The Commissioner,
Hindu Religious and Charitable
Endowments Board,
Numgambakkam,
Chennai 600 034.

3. The Enquiry Officer / the Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Tirunelveli,
Tirunelveli, District.

4. The Joint Commissioner,
Hindu Religious and Charitable



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Endowments Board,

Sivagangai,
Now Bifurcated to Madurai,
Madurai District.

5. The Executive Officer / Assistant Commissioner,
Arulmighu Irrukangudi Mariamman Temple,
Irrukangudi Post, Sattur Taluk,
Virudhunagar District.

6. S.R.M. Ramamoorthy Poosari,
Hereditary Trustee,
Arulmighu Irrukangudi Mariamman Temple,
Irrukangudi Post, Sattur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the first respondent herein to pass orders in Government Letter No. 5585250/அந் 3-1 / 2023-10, which was reserved on 12.11.2024, under Section 53(2) of HR and CE Act against the sixth respondent herein by removing the Hereditary Trustee from the fifth respondent temple.

For petitioner : Mr. T.Pon Ramkumar

For respondents : Mr.S.S.Madhavan
Additional Government Pleader for R1 to R5
Mr.N.Dilip Kumar for R6



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ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 5 and the learned counsel for the sixth respondent.

2. This Writ Petition has been filed for a Mandamus to direct the first respondent herein to pass orders in Government Letter No. 5585250/அநி 3-1 / 2023-10, which was reserved on 12.11.2024, under Section 53(2) of the TN HR and CE Act, 1959, against the sixth respondent herein by removing the Hereditary Trustee from the fifth respondent temple.

3. There is a long history of the *inter se* dispute between the petitioner and the sixth respondent. Proceedings are said to be pending against the sixth respondent pursuant to the Show Cause Notice, dated 08.05.2024, for which the sixth respondent has also replied on 14.05.2024 and thereafter, the case was listed for hearing on 12.11.2024. However, no order has been passed by the first respondent.



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4. In the background is an order of this Court, dated 21.08.2017 in W.P. (MD) No.17771 of 2016 at the behest of the petitioner, wherein the petitioner had prayed for initiation of the proceedings against the sixth respondent herein/fifth respondent therein to suspend him as the Chairman of the Board of Trustees of Arulmigu Irukankudi Mariammal Temple, Irukangudi Post, Sattur Taluk, Virudhunagar District. The Court had considered the submissions made by the petitioner and had ultimately concluded as under:

“18. This Court, considering the peculiar circumstances of the case as well as taking into consideration the provisions of Section 53 (2) of the Act, however, without going into the merits of the rival contentions raised in this writ petition, directs the first respondent Secretary to the Government, Hindu Religious and Charitable Endowments Department, Fort St. George, Chennai 600 009, who is the competent authority under Section 53 of the Act, to consider the claim of the petitioner in the light of the representation made by the petitioner dated 26.07.2016 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the fifth respondent, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner as well as the fifth respondent are permitted to submit all the relevant documents in support of their claims to the first respondent forthwith.”

5. Pursuant to the aforesaid order, a notice was issued by the Commissioner on 21.03.2018, wherein it was observed that the Hereditary Trustees were



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mutually blaming each other regarding mismanagement of the Temple administration and misappropriation of the Temple funds and it was further recorded that FIRs were filed by the Temple administration against the Hereditary Trustees and the same are pending. The Commissioner also recommended to the first respondent/Government for confirming the charges against S.R.M.Ramamoorthy Poosari/sixth respondent herein, S. Marimuthu Poosari, R.Ariram Poosari, S.Kathiresan Poosari/petitioner herein, S.Ramar Poosari, S/o. Sankaralingam Poosari, and Ramar Poosari, S/o. Sangaigh Poosari, respectively, for the misappropriation of funds and maladministration.

6. The learned counsel for the sixth respondent submits that pursuant to the FIR registered in Crime No.153/2016, a charge sheet was filed before the Judicial Magistrate – II, Sattur, in C.C.No.195 of 2017 on 19.03.2021. However, the sixth respondent has been acquitted.

7. It is noticed that not only the petitioner but also other persons have been accused of the misappropriation of the Temple funds and maladministration of the said Temple.



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8. It is also informed that the Assistant Commissioner of the HR & CE Department has been appointed as Executive Officer of the said Temple and the Temple is currently under the control of the fifth respondent herein.

9. Since the report of the first respondent seems to indicate that almost all the Hereditary Trustees of the said Temple are facing allegations, there shall be a direction to the first respondent to initiate appropriate proceedings against the other Hereditary Trustees mentioned above and proceed in accordance with law, if not already initiated against the other Hereditary Trustees, separately or jointly, as is required depending on merits of the case within a period of three (3) months from the date of receipt of a copy of this order.

10. As far as the proceedings that have been initiated against the sixth respondent, in respect of which the hearing was last concluded on 12.11.2024 are concerned, there shall be a direction to the first respondent to pass orders as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.



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11. All the records that are available shall be the basis for the final order to be passed by the first respondent.

12. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No

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Internet : Yes / No

apd

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