



W.P.(MD) No. 21845 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 21845 of 2025

and

W.M.P.(MD) Nos.16959, 16960 & 16961 of 2025

1. M.Ramasamy
2. Banupriya
3. S.Arumugham
4. M.Sonaimuthu
5. R.Siva Subramanian
6. M.Athinarayanan
7. K.K.Suresh.

... Petitioners

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments (Admin) Department,
Uthamar Gandhi Salai,
Ningambakkam,
Chennai.
2. The Joint Commissioner,



W.P.(MD) No. 21845 of 2025

WEB COPY

Hindu Religious and Charitable Endowments (Admin) Department,
Ellis Nagar,
Madurai.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments (Admin) Department,
Ellis Nagar,
Madurai.

4. Executive Officer/Fit Person,
Arulmigu Sundaravalli Amman Temple,
Thenur,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for records pertaining to the notification in Arivippu No.6485-2024-34 MN, Dated 03.07.2025 on the file of third respondent and quash the same as illegal, unconstitutional and ultra vires and consequently, direct the respondents herein to grant a sufficient period of 06 months to the petitioners herein to work out their remedy u/s 70(2) of HR and CE Act, 1959.

For petitioners : Mr. S.Ramesh

For respondents : Mr.S.S.Madhavan
Additional Government Pleader



W.P.(MD) No. 21845 of 2025

WEB COPY

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioners and learned Additional Government Pleader for the respondents.

2. The petitioners have suffered all the way since up to an order under Section 70 of the TN HR & CE Act, 1959, dated 25.06.2025. Earlier, the petitioners had approached the Joint Commissioner/Second respondent in O.A.No.14 of 2008 which came to be dismissed *vide* order, dated 22.09.2014.

3. Aggrieved by the same, the petitioners herein approached the Appellate Authority, namely, the Commissioner under Section 69 of the TN HR & CE Act, 1959 in A.P.No.32/2015 D2, which also came to be dismissed by the first respondent/Commissioner on 23.06.2016. Further, an appeal in the form of a suit in O.S.No.684 of 2016 before the II Additional Sub Court, Madurai came to the dismissed on 16.06.2025.

4. It is in this background, the impugned order has been passed, whereby a



W.P.(MD) No. 21845 of 2025

WEB COPY

notification has been issued for appointment of the Non-Hereditary Trustee under Section 47 of the TN HR & CE Act, 1959.

5. The learned counsel for the petitioners submits that the petitioners still have an opportunity to file an appeal against the judgement and decree of the Civil Court in O.S.No.684 of 2016 passed by the learned II Additional Sub Judge, Madurai. However, even before expiry of limitation to file further appeal, the impugned order has been passed.

6. It is submitted that as per the recent decision of the Hon'ble Division Bench of this Court, no stay is expected to be passed without notice to the other side.

7. I have considered the arguments advanced by the learned counsel for the petitioners and learned Additional Government Pleader for the respondents.

8. The petitioners are yet to file an appeal under Section 70 of the TN HR & CE Act, 1959 to work out their remedy. Therefore, the petitioners have approached this Court.



W.P.(MD) No. 21845 of 2025

WEB COPY

9.It is open to the petitioners to work out their remedy under Section 72 of TN HR& CE Act, 1959. Therefore, this Writ Petition is liable to be dismissed as the petitioners' attempt is to get the remedy which the petitioners can get by filing an appeal under Section 72(4) of the TN HR & CE Act, 1959 before the civil Court. That apart, under proviso to Section 72(4) of TNHR & CE Act, 1959, Court has no power to suspend the operation of the impugned notification issued by the first respondent/Commissioner for appointment of Non-Hereditary Trustee. Therefore, there is no merits in the present Writ Petition.

10. This Writ Petition is therefore dismissed, with the above liberty. No costs. W.M.P.(MD) No.16959 of 2025 is allowed. Consequently, connected miscellaneous petition are closed.

Index : Yes / No
Internet : Yes / No
apd

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W.P.(MD) No. 21845 of 2025

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WEB COPY



W.P.(MD) No. 21845 of 2025

C.SARAVANAN, J.

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W.P.(MD) No. 21845 of 2025

11.08.2025