



W.A.(MD)No.1509 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1509 of 2023
and
C.M.P.(MD)No.11586 of 2023**

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Mullippadi, Seelapadi (Post),
Dindigul.

... Appellants

Vs.

T.Deepan

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.18331 of 2022 dated 13.06.2023 on the file of this Court.



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For Appellants : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.P.Subbaraj,
Spl. Government Pleader.

For Respondents : Mr.V.R.Shanmuganathan

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.This writ appeal is directed against the order dated 13.06.2023 passed by the learned Single Judge allowing W.P.(MD)No.18331 of 2022 filed by the respondent herein.

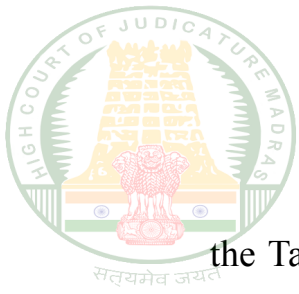
3.The case on hand pertains to the affairs of Arulmighu Suyambu Saneeswara Bhagavan Thirukovil, Kuchanur, Theni District. The office of the trustees of this temple had already been declared to be hereditary way back in the year 1927. At present, there are seven trustees. On 25.03.2003, an Executive Officer was appointed for the temple under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. On 27.03.2011, charges were framed against all



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the seven trustees and they were also placed under suspension. On the same day, a fit person was also appointed for the temple. During the relevant time, the said temple was a temple falling under Section 46(2) of the Act. Enquiry was conducted and charges were held to be proved. The Commissioner vide order dated 02.12.2014 concurred with the finding of guilt but treated the suspension period as the punishment imposed on the trustees. Aggrieved by the same, one of the trustees filed revision before the government under Section 114 of the Act. The government vide G.O.(D) No.75 Tourism, Culture and Religious Endowments Department dated 11.06.2019 set aside the order of the Commissioner and ordered *de novo* enquiry. A detailed audit was ordered to be conducted. Since M.M.Thirumalaimthu was under suspension, his son / Deepan filed W.P.(MD)No.18311 of 2022 for entering his name as a trustee in the place of his suspended father. The said writ petition was also allowed on 13.06.2023. Aggrieved by the same, W.A.(MD)No.1509 of 2023 has been filed.

4.M.M.Thirumalaimuthu, the father of the writ petitioner was one of the trustees but he is under suspension. Therefore, Section 54(2) of



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the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959

will come into play. The said provision reads as follows:-

“54. Filling up of vacancies in the offices of hereditary trustee:

(2) When a temporary vacancy occurs in such an office by reason of suspension of the hereditary trustee under sub-section (2) of section 53, the next in the line of succession shall be entitled to succeed and perform the functions of the trustee until his disability ceases.”

5. Admittedly, M.M.Thirumalaimuthu is under temporary disability on account of his suspension. Therefore, the learned Single Judge rightly allowed the writ petitioner to come on record in his place as a trustee. We do not find any merit in this writ appeal and it stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
30.07.2025

NCC : Yes/No
Index : Yes / No
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