



W.A(MD) No.96 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.06.2025

CORAM

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

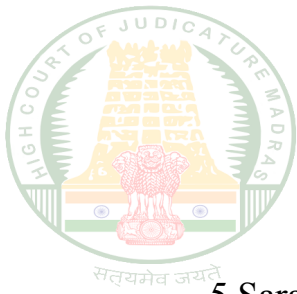
**W.A(MD) No.96 of 2023
and
C.M.P.(MD)No.1406 of 2023**

Murugesan

... Appellant / Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungampakkam High Road,
Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukkottai,
Pudukkottai District.
- 4.The Executive Officer,
Pudukkottai Devasthanam,
Pudukkottai.



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5.Saravanan

6.S.Narayanasamy

7.Chellappan

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the common order dated 04.07.2022 passed in W.P.(MD)No.12586 of 2018 and another before this Court and quash the order passed by the first respondent in R.Dis.No.24441/2014, E5, dated 18.06.2014 by allowing the writ appeal.

For Appellant : Mr.V.Muthukamatchi

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R1 to R3

: Mr.G.Mathavan
for R4

: Mr.D.Parisuthanathan
for R5

: No appearance
for R6 & R7



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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

This writ appeal is directed against the common order dated 04.07.2022 made in W.P.(MD)Nos.2435 of 2015 & 12586 of 2018.

2. The learned counsel appearing for the appellant sought adjournment on the ground that a senior counsel has been engaged. Though in normal circumstances we would have acceded to the said request, the learned counsel for the executive officer points out that this issue has already been decided. He draws our attention to the order dated 11.03.2025 made in W.A.(MD)No.1395 of 2022. The said writ appeal was disposed of in the following terms:-

“2.The case on hand pertains to the affairs of Arulmighu Mariammal @ Selliamman Temple, Sundampatti, Gandarvakottai Taluk, Pudukkottai District. The Commissioner, Hindu Religious and Charitable Endowments Department, Chennai had issued proceedings dated 18.06.2014 including the petition mentioned temple in the list of small temples. He had also brought the temple under the overall supervision and control of Hindu Religious and Charitable Endowments Department. A further direction was given for appointing a fit person and to constitute board of trustees. Pursuant to the



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direction, the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Pudukkottai issued order dated 30.07.2014 appointing a fit person for the temple. Challenging the order dated 18.06.2014, the appellant filed W.P.(MD)No.2435 of 2015 and challenging the order dated 30.07.2014, the appellant filed W.P. (MD)No.12586 of 2018. Both the writ petitions were dismissed vide order dated 04.07.2022 on the ground of laches. Questioning the same, this writ appeal has been filed.

3.It is well settled that any temple in South India is a public temple. This is a general presumption. It is for the individual concerned to obtain declaration to the contrary. Any public temple in Tamil Nadu has to be necessarily under the control and supervision of Hindu Religious and Charitable Endowments Department. Therefore, the order dated 18.06.2014 including the petition mentioned temple in the list of small temples has to be sustained and it is accordingly sustained.

4.However, there was no need or warrant to straightaway issue a direction for appointing a fit person. A fit person is appointed only if there is mismanagement. In any event, the Assistant Commissioner has no power to appoint a fit person for a listed temple. Therefore, the order dated 30.07.2014 passed by the Assistant Commissioner appointing a fit person is set aside. The order impugned in this writ appeal is modified accordingly and the writ appeal is partly allowed.”



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3. The writ appeal is also disposed of on the same lines. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
13.06.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

- 1.The Commissioner,
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K.RAJASEKAR, J.

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