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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 23528 of 2025
and
W.M.P.(MD) Nos.18483 & 18484 of 2025

K.Karthik Udaiyar ... Petitioner

Vs

1. The Joint Commissioner,
HR & CE Department,
Sivaganga,
Sivagangai District.

2. The Assistant Commissioner,
HR & CE Department,
Sivaganga,
Sivaganga District.

3. AL. Karuppiah

4. KR. Karuppaiya

5. KR. Chidambaram

6. KR. Rajendran

7. KR. Manikandan

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8. RM. Karuppiah @ Narayanan

9. S . Kathiresan

10. S.Subbiah

11. AL. Alagappan

12. PL. Ramasamy

13. S. Karuppanchetti ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records related to the impugned proceedings pending on the file of the first respondent/Joint Commissioner of Hindu Religious and Endowments Department, Sivaganga in O.A.No.37/2025 and notice dated 25.07.2025 in O.A.No.37/2025/E1 and quash them.

For petitioner : Mr. N.Dilipkumar

For respondents : Mr. S.Vinodh
Government Advocate for R1 & R2
Mr.Kumar for R3 to R13

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ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner and the learned Government

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Advocate for the respondents 1 and 2 and the learned counsel for the private respondents 3 to 13.

2. The private respondents 3 to 13 are the applicants before the first respondent/Joint Commissioner in O.A.No.37 of 2025 filed under Section 64(1) of the TN HR & CE Act, 1959. The said application has been filed by the private respondents for the following relief:

> "*Framing a scheme of administration for A/m. Sevuga Perumal Ayyanar Temple, Kathapattu Village, Sivagangai District providing among other things for the appointment of non-hereditary trustees from and among the Dharmam Katha Patta Pilan Nagarthargal Community and Mathur Kovil Manalur Nagarathargal Community people nominated by the Dharmam Katha Patta Pilan Nagarathargal Arakkatalai.*"

3. The petitioner states that the petitioner himself was appointed and recognized as hereditary Trustee of the subject temple, namely, A/m. Sevuga Perumal Ayyanar Temple (previously known as Thiru Valandhur).

4. It is submitted that the mandatory requirement under Section 64(1) of the TN HR & CE Act, 1959 r/w Rule 2(a) of the Framing of Scheme Rules, framed

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vide G.O.Ms.No.4851, Revenue, dated 26.11.2016, SRO No.A170 of 1960 has been given a go-by.

5. It is submitted that as a Hereditary Trustee, the petitioner as also the other Hereditary Trustees are entitled to consultation with minimum of two months time and only after subject to satisfaction of the Joint Commissioner and Deputy Commissioner, as the case may be, O.A. filed under Section 64(1) of the TN HE & CE Act, 1959 can be proceeded further.

6. It is submitted that in this case, the Joint Commissioner has by-passed, as such instead of directly proceeded to issue a notice to the petitioner, fixing the date for enquiry originally on 18.08.2025 and thereafter, postponed to 15.09.2025.

7. The learned counsel for the private respondents 3 to 13 as also the learned Government Advocate for the official respondents 1 and 2 submit that O.A.No.37 of 2025 may be kept in abeyance pending appropriate orders of the

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Joint Commissioner as is contemplated under Section 64(1) r/w Rule 2(a) of the Framing of Scheme Rules.

8. In this connection, in the case of ***the Commissioner of HR & CE Department and others vs. Arulmigu Ahobila Madam reported in 2003 SCC Online Mad 204,*** in paragraph 8 of the order, this Court has summarized the position as under:

> *"8. The above provisions lay down the following:-*
>
> *(1) The Commissioner can invoke Section 65 of the Act suo-motu or on an application in writing, made by the required number of persons.*
>
> *(2) The Commissioner shall, before deciding to frame a scheme, consult the Trustee and the persons having interest. Notice shall be sent to those persons by registered post calling upon them to submit their representation before a date to b in that notice.*
>
> *(3) The Commissioner is to consider the objection/suggestion and may drop his proposal to frame a scheme, but, however if he desires to frame a scheme, he shall give notice to the Trustee and the persons having interest of his intention to s eme for the administration of the Mutt and call upon them to submit in writing any objection or suggestion before a specified date.*
>
> *(4) The Commissioner, keeping in mind their objection or suggestion submitted by those persons, shall frame the scheme*

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of administration. Thereafter, the scheme shall be published in the gazette."

9. Under these circumstances, this Court is inclined to dispose of this Writ Petition by directing the first respondent to keep O.A.No.37 of 2025 in abeyance, pending further exercise under Section 64(1) r/w Rule 2(a) of Framing of Scheme Rules.

10. In case the Joint Commissioner comes to the conclusion that no scheme is required to be framed, no further orders will be required and O.A.No.37 of 2025 may be closed.

11. This Writ Petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

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To

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C.SARAVANAN, J.

apd

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