



W.P(MD)No.23505 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23505 of 2023

and

W.M.P.(MD)No.19707 of 2023

T.Pratheesh

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Palayamkottai,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department,
Vadiveeswaram,
Nagercoil,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the respondent in Notice No.289/2017-291/Aa4 dated 04.09.2023 quash the same as illegal, arbitrary and consequently directing the respondents declare as the family deity of Paraseri, Krishnavaga Samudaya Community Peoples.

For Petitioner : Mr.K.Sridhar
for Mr.S.Sivasudhan

For Respondents : Mr.R.Sureshkumar
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner belongs to a community known as “Krishnavaga”. He assails the impugned notice issued by the Assistant Commissioner, HR & CE Department calling for applications for appointing the non-hereditary trustees for the petition mentioned temple.

3. The specific stand of the petitioner is that the temple is not a religious institution within the meaning of Section 6(18) of the Act. Section 6(18) should be read along with other cognate provision such as Section 6(20). They read as follows:-



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“(18) “Religious institution” means a math, temple or specific endowment and includes, — (i) a samadhi or brindhavan; or

(ii) any other institution established or maintained for a religious purpose. Explanation.- For the purpose of this clause-

(1) “samadhi” means a place where the mortal remains of a guru, sadhu or saint is interned and used as a place of public religious worship;

(2) “brindhavan” means a place established or maintained in memory of a guru, sadhu or saint and used as a place of public religious worship, but does not include the samadhi;)

(20) “temple” means a place by whatever designation known, used as a place of public religious worship and dedicated to, or for the benefit of, or used as of right by, the Hindu community or of any section thereof, as a place of public religious worship.”

4. Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 will apply only if the institution in question is used as a place of public religious worship. In other words, the members of the Hindu community or any section thereof should be able to offer their worship as a matter of right. The petitioner claims that the temple in question is a private temple meant for worship by a few families belonging to Krishnavaga. He would add that it is a family deity that is being worshipped. If that be so, the petitioner may have to get the declaration under Section 63(a) of the Act before the Joint Commissioner that the institution in question is a religious institution within the meaning of statute.



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5. The learned counsel for the petitioner states that such application would be filed before the first respondent within 8 weeks from the date of receipt of a copy of this order. Till such application is disposed of by the competent authority, the impugned proceedings shall be put on hold and no further action shall be taken. When the writ petition was entertained, a learned Judge of this Court had granted an interim order. The said interim order is made absolute. I have not gone into the merits of the claim. If the petitioner fails to file OA under Section 63(a) of the Act within 8 weeks from the date of receipt of a copy of this order as undertaken before this Court, the benefit of this order will stand automatically recalled.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2025

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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