



W.P(MD)No.23531 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23531 of 2025

and

W.M.P(MD)Nos.18480 & 22829 of 2025

P.M.R.Rebello Poosari

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Madurai – 625 001.

2.R.Saravana Pandian

3.Rishi Pandi

4.R.Lakshmi

5.Ponnu Pandian

6.Jeyaveera Pandi

7.Rajesh Pandi



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8.P.M.Chellapandi

***(Interim / Adhoc Board of Trustees
appointed in Civil Appeal No.803 of
2020 on the file of the Hon'ble Supreme
Court of India and by the order dated
13.05.2025 in C.M.A(MD)Nos.1038,
1039 etc. of 2024 on the file of this
Court)***

Arulmigu Pandi Muneeswarar Temple,
Melamadaï,
Madurai – 625 020.

9.R.Archana

***(R.9 is impleaded vide order of this
Court dated 16.10.2025 in
W.M.P(MD)No.22791 of 2025)***

... Respondents

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 of the impugned order passed by 2 to 4 respondents herein in their Nil proceedings dated 17.08.2025 (suspending writ petitioner's right to do pooja in Arulmigu Pandi Muneeswarar Temple, Melamadaï, Madurai) and quash the same as illegal and further direct the respondents herein to permit the writ petition to exercise his right to do pooja in Arulmigu Pandi Muneeswarar Temple, Melamadaï, Madurai as per Judgment dated 27.01.2023 passed in W.A(MD)Nos.590 of 2021 and 591 of 2021 on the file of this Court.

For Petitioner : Mr.V.Meenakshi Sundaram
for Ms.D.Deepamathi



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For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R.1

Ms.J.Anandhavalli
for R.2 to R.4 & R.8

Mr.V.R.Shanmuganathan
for R.5 & R.6

Mr.R.J.Karthick for R.9

ORDER

Heard both sides.

2.The writ petitioner is one of the poojaries of Arulmigu Pandi Muneeswarar Temple, Melamadai, Madurai. By the impugned order dated 17.08.2025, the writ petitioner came to be suspended. His right to officiate as poojari was transferred in favour of his wife Mrs.Archana.

3.The petitioner is entitled to officiate as poojari once in 10 weeks. A poojari is an employee subject to initiating disciplinary action under Section 56 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. It is equally well settled that the Trust Board has



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the power to suspend a temple employee as well as punish him for misconduct. The Trust Board of the subject temple comprises 6 members. As per Rule 6 of the Functioning of the Board of Trustees Rules, where the number of trustees exceeds 5, the Commissioner shall decide what the coram shall be: provided such number shall not be less than 1/3rd of the total number of trustees or three whichever is higher. In this case, the impugned order is in the name of four trustees but only 3 have signed the same. The learned counsel appearing for some of the trustees (Respondents 2, 3, 4 & 8) states that the signature of Chellapandi (who is one of the trustees and whose name also features in the impugned order) was omitted to be obtained in the communication sent to the writ petitioner. She further adds that Chellapandi is ready to file an affidavit stating that he was also a party to the decision. Be that as it may, in view of Rule 6, the requirement of quorum stands satisfied.

4. For a meeting of a Board, to be valid, there must be quorum. But mere quorum will not validate the meeting. The meeting itself must have been validly convened. It is a pre-requisite. It must be established that notice of the meeting specifying the date, time and place of the meeting

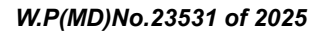


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with a copy of the agenda of the meeting shall be caused to be served by the Executive Officer or the Chairman of the Board of Trustees, as the case may be, on the trustees at least 7 days prior to the date fixed for the meeting. Rules 4 and 5 of the Functioning of the Board of Trustees Rules read as follows:

“4. (1) Notice of a meeting specifying the date, time and place of the meeting with a copy of the agenda for the meeting shall be caused to be served by the Executive Officer or the Chairman of the Board of Trustees, as the case may be, on the trustees at least seven days prior to the date fixed for the meeting. Such service shall be effected by giving or tendering the notice to every trustee personally or if it cannot be so effected, by sending the notice to them by registered post with acknowledgement due to his usual place of residence. The agenda shall be prepared by the Executive Officer or the Chairman, as the case may be, and where the Executive Officer prepares the agenda, he shall include in the agenda the subjects suggested by the Chairman. It shall, however, be open to the Board of Trustees to hold a meeting without observing the requirement as to notice when all the trustees agree to waive that requirement.

(2) In cases of emergency, the Executive Officer or the Chairman of the Board of Trustees, as the case may be, may convene a meeting on giving shorter notice than that



(3) The Executive Officer or the Chairman of the Board of Trustees, as the case may be, shall, on requisition in writing of not less than two trustees, convene a meeting, specifying the purposes of the meeting and giving at least five days notice.

5. All papers relating to the agenda shall be made available to the trustees for inspection at the place of the meeting and at the time of, or before the commencement of, the meeting.”

5.The respondents 5 and 6 who are also trustees inform the Court through their counsel that no meeting of the Trust Board was ever convened and that they were not notified about the same.

6. The onus to show that the meeting was validly convened rests on the persons who makes the assertion. The authors of the impugned order were obliged to show that the requirements set out in Rule 4 and 5 stood fulfilled in this case. They have not discharged the burden cast on them. There is nothing on record to show that the procedure laid down in the aforesaid Rules was adhered to in the instant case. Since a validly convened meeting of a Trust Board did not issue the impugned order, it has to be set aside. And it is accordingly set aside.



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7.The learned counsel appearing for the respondents 2, 3, 4 and 8 states that since a complaint was received from the wife of the writ petitioner on 16.08.2025, and the turn of writ petitioner fell from 20.08.2025 to 27.08.2025, the impugned order had to be passed on an emergent basis. According to the aforesaid trustees, the writ petitioner's conduct suffers from the vice of moral turpitude and that is why they had to pass an extraordinary order in the interest of the religious institution.

8.I do not want to go into the merits of this explanation. Even for convening the meeting of the Board in cases of emergency, the only relaxation is that shorter notice than that specified in Sub Rule 1 of Rule 4 can be given. But notice will have to be given unless all the trustees agree to waive that requirement. It is beyond dispute that the procedure for convening the Trust Board was not followed. When there are 6 trustees, all the 6 trustees will have to be duly intimated and only thereafter the board meeting has to be convened. 4 out of 6 trustees cannot on their own take any decision.



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9.The ground for passing the impugned order is said to be implication of the writ petitioner in Crime No.348 of 2025 registered on the file of Anna Nagar Police Station, Madurai. The petitioner is said to have assaulted his father-in-law as well as his wife. It is seen that the petitioner is already locked in a matrimonial dispute with his wife. H.M.O.P.No.770 of 2025 has been filed by the petitioner on the file of the Family Court, Madurai. In this background, this FIR came to be registered. The case is one of battery and assault.

10.I fail to understand as to how this could be said to be one involving moral turpitude. Even though the impugned order talks about the bad conduct of the writ petitioner, it is bereft of details. The impugned order thus suffers from the vice of vagueness. When somebody is charged with any misconduct, it is a basic principle of service jurisprudence that the details will have to be furnished. Since details have not been furnished, I have to necessarily hold that the impugned order is vulnerable on this score also. Looked at from any angle, the impugned order cannot be sustained. It stands quashed.



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11.Ms.J.Anandhavalli, learned counsel appearing for the respondents 2, 3, 4 and 8 impressed upon me that the writ petitioner had virtually left his wife and children in the lurch. And that therefore, when the writ petitioner seeks equitable relief at the hands of this Court, this Court ought to put him on terms.

12.I find considerable force in this contention. The writ petitioner through his counsel undertook before this Court that he will pay a sum of Rs.1,00,000/- (Rupees One Lakh only) per month towards monthly maintenance of his wife (Archana) and his children (Pandi Vignesh and Bagavathi). This liability shall commence from next month onwards. In other words, before the 5th day of every month, this amount should be remitted in the bank account of Archana. This is only an interim arrangement and it does not in anyway foreclose the right of Archana to seek any other remedy. It is needless to mention that this order will be taken note of in any other proceedings that may be institute by Archana.



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13.Thiru.R.J.Karthick, learned counsel for the 9th respondent states that the petitioner ought not to associate himself with some undesirable elements. He specifically mentioned the names of one Karthick, S/o.Murugesan and one Abirami. The petitioner gives a solemn undertaking before this Court that he shall not be found associating with either of the aforesaid two characters inside the temple premises.

14.This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Madurai – 625 001.

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G.R.SWAMINATHAN, J.

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