



W.P(MD)No.23730 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition(MD)No.23730 of 2025

and

W.M.P(MD)Nos.18624 & 18626 of 2025

M.P.Aravind Balaji

..Petitioner

Vs.

1. The Joint Commissioner
Hindu Religious and Charitable Endowment Board,
Dindigul.

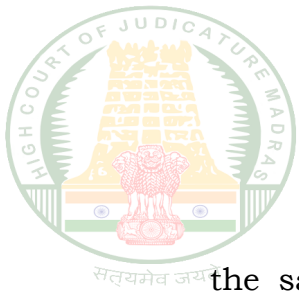
2. The Assistant Commissioner
Hindu Religious and Charitable Endowment Board,
Theni.

3. The Thakkar
Arulmigu Pillayar Temple,
Unjampatti / The Executive Officer,
Arulmigu Gowmari Amman Temple,
Veerapandi,
Theni Taluk and District.

4. M.Jayanthi
5. M.M.Pandian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating with the impugned order passed in M.P.No. 45 of 2023 dated 14.08.2025 on the file of the 1st respondent and quash



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the same as illegal and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.A.K.Manikkam

For Respondents : Mr.S.S.Madhavan
Addl. Govt. Pleader (for R1 and R2)

ORDER

The petitioner claims to be the son of late Radharani and M.M.Pandian, who are respondents in M.P.No.45 of 2023 initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, by the petitioner's parents and one Jeyanthi.

2. It is the case of the petitioner that the property in question was purchased by the said Jeyanthi and the petitioner's mother in the years 2005 and 2011, measuring 2 cents and 8 cents respectively, together forming a total extent of 10 cents. The petitioner's mother passed away on 28.09.2023. Though the property stood in the name of the petitioner's mother, it had been mortgaged to one Manimaran. However, no notice was issued either to the said Manimaran or to the petitioner, as one of the legal heirs of the deceased Radharani. Therefore, it is submitted that the impugned order passed by the first respondent is in violation of the principles of natural justice.



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3. On the other hand, the learned Additional Government Pleader for respondents 1 and 2 submits that notice was duly served on the petitioner's father, who is one of the legal heirs of the deceased P.Radharani.

4. The provisions of the Code of Civil Procedure are applicable to proceedings under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and service of notice on one of the legal representatives is sufficient, as such notice is deemed to represent the estate of the deceased and protect the interest of all other legal representatives. Hence, it is not open to the petitioner to allege violation of the principles of natural justice, particularly when his own father was served with notice in the proceedings under Section 78 of the Act, which culminated in the impugned order dated 14.08.2025. In any event, the petitioner is not without remedy. Therefore, this writ petition is dismissed, with liberty to the petitioner to work out his remedy under Section 21 or Section 79(2)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



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C.SARAVANAN, J.

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