



W.P(MD)No.31419 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31419 of 2025

and

W.M.P.(MD)Nos.24624 & 24625 of 2025

1.S.Sachithanantham

2.S.Kulasekaran

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Tourism, Culture and Religious Endowment Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Chidambara Nagar,
Thoothukudi.

4.R.Muthu
(R4 is impleaded by this Court vide order
dated 25.11.2025 in W.M.P.(MD)No.26970 of 2025)



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5.R.Maari

6.B.Kulasekaran

7.Chokkalingam Pillai

8.Rathinasamy

9.Arulmozhi

(R5 to R9 are impleaded by this Court
vide order dated 25.11.2025
in W.M.P.(MD)No.26874 of 2025)

... 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 pertaining to the impugned order passed by the 1st respondent in G.O. (Ms)No. 410, Tourism, Culture and Religious Endowments (ANi 5.1) Department, dated 30.09.2025 and the impugned order passed by the 2nd respondent in Ni. Mu.No. 12784/ 2022/E2, dated 02.05.2022, quash the same as illegal.

For Petitioner : Mrs.Rama Priya
Senior Counsel
for Ms.Indhira

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

: Mr.K.Jeyamohan
for R5 to R9

: Mr.U.Manogar
for R4



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: Mr.T.Antony Arul Raj
for Intervenor

ORDER

Heard both sides.

2. The subject matter of this writ petition is a temple known as Sri Kulasekara Amman Temple, Urmelalagiyan Village, Kadayanallur Taluk, Tenkasi District. The case of the petitioners is that the temple is exclusively worshipped only by the Gomarathar families numbering around 150. Whether such a temple is a private temple or a denominational temple or a public temple need not be gone into in this writ petition. Suffice it to say that, objection was raised by the fellow villagers stating that the temple must be open for worship for members of the general public. The Additional Commissioner, HR & CE Department, Chennai issued the communication dated 02.05.2022 calling upon the Assistant Commissioner, HR & CE Department, Tenkasi to take action for appointing a fit person for the temple. Challenging the same, the second petitioner filed revision before the Government under Section 114 of Tamil Nadu HR & CE Act. Vide G.O.Ms.No.410, Tourism, Culture and Religious Endowment Department, the Government dismissed the revision petition. Challenging the same, this writ petition came to be filed.



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3. When the matter was taken up 'for admission' on 04.11.2025, the following order was passed:-

“Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents

2.Call this case on 25.11.2025 at 2.15 pm.

3.There shall be an order of interim stay to the effect that no fit person appointed by the Hindu Religious and Charitable Endowments Department will take over the petition mentioned temple in the meanwhile.

4.The learned counsels for the intervenors submit that the members of other communities are not being allowed to offer their worship in the temple.

5.Without going into the merits of the matter, as an interim arrangement, it is directed that on Tuesdays and Fridays, the temple will be not only be kept open but the members of the other communities also will be allowed to offer their worship till the disposal of the writ petition. The temple will be kept open from 05.30 pm to 07.30 pm.”

4. The learned counsel appearing for the petitioners, on instructions, states that the arrangement set out in the interim order dated 04.11.2025 can continue till disposal of O.S.No.231 of 2025 on the file of the District Munsif



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Court, Tenkasi. She added that this concession would be without prejudice to their contentions in the suit. The said undertaking given by the writ petitioners is placed on record.

5. I am spared the labour of testing the correctness of the impugned GO. This is because, vide order dated 25.04.2025 in W.P.(MD)Nos.4620 & 4621 of 2025, a learned Judge of this Court passed the following order :-

“17. In regard to the relief sought for in W.P.(MD) No. 4621 of 2025, apparently, since the O.A. No.9 of 2024 filed under Section 63 (b) & (c) challenging the order of the HR & CE Department in regard to control over the subject temple and a consequential appointment of the Fit Person to the temple in a hurried manner without following due process of law to the subject temple which was later transferred and renumbered as O.A.No.1 of 2025 on the file of the Joint Commissioner, Tirunelveli was withdrawn and an unnumbered suit in O.S.(IA) No.2 of 2025 was preferred by the petitioner before the learned Principal District Munsif, Tenkasi and the revision preferred under Section 113-A of the HR & CE Act against the appointment of the Fit Person to the subject temple have not attained its finality. It is pertinent to refer the order of the Hon'ble Division Bench of this Court in W.P(MD) Nos.10653 of 2020 & batch dated 24.01.2025, wherein the Court had directed the first respondent/Principal Secretary, HR & CE Department, to dispose of the revision dated 21.01.2025 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to all the interested parties, within a period of six months from the date of receipt of a copy of the said order. In the light of the aforesaid order, the impugned notice dated 04.02.2025, is hereby quashed and consequently, the official respondents of the HR & CE Department are directed not to interfere or initiate any proceedings till the disposal of the suit as well as the revision.”



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This order was put to challenge in W.A.(MD)No.1255 of 2025. Vide order dated 08.05.2025, the Hon'ble Division Bench did not interfere with the direction given by the learned single Judge that the officials of the HR & CE were not to interfere with the impugned proceedings till the disposal of the suit as well as the revision.

6. It is true that the revision petition has since ended adversely to the writ petitioners and that is the subject matter of challenge in this writ petition. But then, the suit mentioned in the aforesaid order dated 25.04.2025 is still pending. The said order has also become final. Therefore, the HR & CE department cannot interfere or initiate any proceedings so long as the suit is pending.

7. If I dismiss the writ petition, the result at consequence will be that the fit person appointed by the HR & CE Department can take over the administration of the temple. That would run counter to the order passed in W.P.(MD)Nos.4620 & 4621 of 2025, dated 25.04.2025. There is something called judicial comity. I ought to pass an order that would be in consonance with the earlier order passed by this Court in respect of the very same subject matter. This is all the more so because, the said order was not interfered with by the Hon'ble Division Bench in respect of the aforesaid restraint order.



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8. In this view of the matter, the writ petition is disposed of by directing the respondents in the following terms:-

(I) The impugned order dated 02.05.2022 as well as G.O.Ms.No.410, Tourism, Culture and Religious Endowment Department, dated 30.09.2025 shall be kept in abeyance.

(II) They shall abide by the outcome of O.S.No.231 of 2025 on the file of the District Munsif Court, Tenkasi.

(III) The interim order passed by this Court is made absolute. It shall also abide by the outcome of the suit.

No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2025

Index : Yes / No
Internet : Yes/ No
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To

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2.The Commissioner,
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3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Chidambara Nagar,
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