



W.P(MD)No.31969 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31969 of 2025

&

W.M.P.(MD)Nos.25156, 25157 & 25159 of 2025

1.S.Rengaraj

2.R.Balakrishnan

... Petitioners

Vs.

1.The Secretary to Government
Tourism, Culture and Religious Endowments Department,
Fort St.George,
Chennai.

2.The Commissioner,
HR & CE Department,
Chennai.

3.The Joint Commissioner,
HR & CE Department,
Thanjavur.

4.The Assistant Commissioner / Fit Person,
Arulmigu Sanjeevirayar Thirukoil,
Pidampatti, Kulathur Taluk,
Pudukkottai District.

... 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



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records relating to the impugned order in GO.P.No.397 TCRE (RE 3.1) Department dated 25.10.2025 passed by the 1st respondent and quash the same and consequently direct the 3rd respondent to record the 2nd petitioner as Hereditary Trustee of Arulmigu Sanjeevirayar Thirukoil under Section 54 (1) of the HR and CE Act vide application in O.A.No. 16 of 2024 pending on his file.

For Petitioner : Mr.V.R.Shanmuganathan

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

ORDER

Heard both sides.

2. The first petitioner herein was functioning as trustee of the petition mentioned temple. The impleaded respondent made serious allegations against the first petitioner's family. Taking note of the same, the Government suspended the first petitioner. Since vacancy had arisen in the post of the trustee, as a result of suspension, fit person was appointed under Section 56(4) of the HR & CE Act. Challenging the same, this writ petition has been filed.

3. During the pendency of the writ petition, the first petitioner gave up his claim of trusteeship. He has given No Objection Certificate in favour of his



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son / second petitioner herein. The second petitioner herein has since filed a petition before the third respondent under Section 54(1) of the Act for entering his name as hereditary trustee. The third respondent is directed to pass an order on the second petitioner's application. The Madras High Court has held in more than one case that it is purely a ministerial act.

4. Since the third respondent has been directed to issue proceedings in favour of the second petitioner recognising him as hereditary trustee forthwith and without any delay, in this view of the matter, the order appointing the fit person can no longer survive. I do not quash the impugned order. I am only holding that it will cease to operate from the moment when the third respondent issues proceedings recognising the second petitioner as a hereditary trustee. I must however take note of the serious allegations made by the impleaded respondent. The impleaded respondent submitted that the second petitioner is also disqualified from holding the post of trustee. He relied on Section 26(1)(e) of HR & CE Act. It reads as follows:-

“26.Disqualification of trustees:- (1) A person shall be disqualified for being appointed as and for being, a trustee of any religious institution or endowment-

(e) if he is of unsound mind or is suffering from mental defect or infirmity which would render him unfit to perform the functions and discharge the duties of a trustee or is suffering from leprosy or any other loathsome disease.



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5. The impleaded respondent has not placed any material before this Court that the second petitioner herein had entered into the lease arrangement with the temple. It appears that the second petitioner's wife is in possession of some 25 acres of land belonging to the temple. Any disqualification clause will have to be construed restrictively. If the second petitioner's wife is in occupation of the temple lands, she would be disqualified from holding the post of the trustee. The said disqualification will not extend to the second petitioner herein. In any event, the learned counsel for the petitioner submitted that the authorities can very well stipulate fair rent from all the persons in occupation of the temple lands. It is also noted that the impleaded respondent is also occupant of the temple lands. Since the Court has to act as *parens patriae* for the temple, the following directions are issued:-

(I) Fair rent will be fixed by adhering to the statutory procedure set out in Section 34(A) of the Act.

(II) The fourth respondent will ensure that fair rent is collected from the every occupant of the lands belonging to the petition mentioned temple.



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6. The Writ Petition is allowed with the aforesaid direction. The rights of the writ petitioner's family is not foreclosed. It is open to them to establish that they have been conferred with service inam. No costs. Consequently, connected miscellaneous petitions are closed.

12.11.2025

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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