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W.P.(MD)NO.32583 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.32583 of 2025

Deivendran

... Petitioner

Vs.

The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Madurai.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 29.10.2025 made in A.thi.Mu.No.5843/2025/E1, quash the same as the same is arbitrary ultravires, contrary to Sec.63(b) of Act 22/1959 and consequentially direct the respondent to number the O.A.No. 2025 filed by the petitioner in respect of Arulmigu Eedadi Ayyanar temple, Madakulam, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondent : Mr.P.Subbaraj,
Special Government Pleader.

* * *

**ORDER**

Heard both sides.

2. The petitioner filed an application under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The said application was returned without even numbering the same. According to the respondent, the writ petitioner's elder brothers had filed O.A.No.50 of 1980 on the file of the Deputy Commissioner, HR&CE Department to obtain declaration that they are hereditary trustees. During the relevant time, the petitioner was a minor. He was therefore left out.

3. Vide order dated 02.06.1982, the petitioners therein had been declared as hereditary trustees of the said temple. The provision would enable the authority to give declaration as to whether the office of the trusteeship is hereditary or not. The question of declaring who are hereditary trustees may not have arisen at all. These issues can be gone into after putting the original petitioners in O.A.No.50 of 1980 on notice and after hearing them.



The question of filing appeal does not arise. This is because the petitioner cannot file any appeal against the order made in O.A.No.50 of 1980. The Commissioner, HR&CE lacks the power to condone the delay. In any event, the authority could not have non-suited the petitioner at the threshold stage. OA filed by him should have been numbered and given a disposal on merits and in accordance with law. The order impugned in the writ petition is set aside. The respondent is directed to number the OA. Notice will be issued to the respondents in OA. The decision on merits should be taken in accordance with law. This writ petition stands disposed of on these terms. No costs.

17.11.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Madurai.



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G.R.SWAMINATHAN,J.

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