BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.12.2025

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**THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

**WP(MD)No.35085 of 2025**
**and**
**WMP(MD)No.27783 of 2025**

C.Selvakumar ... Petitioner

Vs

1. The Principal Secretary,
   Hindu Religious and Charitable
   Endowments Department,
   Government of Tamil Nadu,
   Secretariat,
   Chennai – 600 009.

2. The Commissioner,
   Hindu Religious and Charitable
   Endowments Department,
   119, Uthamar Gandhi Road,
   Numgambakkam,
   Chennai – 600 034.

3. The Joint Commissioner / Executive Officer,
   Arulmigu Meenakshi Sundareswarar Temple,
   Madurai – 625001. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pass appropriate order by appointing the petitioner as a Non-Hereditary Trustee under Sec.47(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959, in Arulmigu Meenakshi Sundareswarar Temple, Madurai, based on the petitioner's representation dated 23.11.2025 within a time frame stipulated by this Court.

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|---|---|
| For Petitioner | : C.Selvakumar<br>Party-in-person |
| For R1 and R2 | : Mr.J.K.Jeyaseelan,<br>Government Advocate |
| For R3 | : Mr.R.Murali |

**ORDER**

The petitioner is a devotee of Arulmigu Meenakshi Sundareswarar Temple. He is also a practicing advocate. He claims that he belongs to the Scheduled Caste Community and he has rendered several services to this temple and despite that, he has not been considered for appointment of non-hereditary trustees for the temple. Aggrieved over the same, he has already filed a writ petition before this court in WP(MD)No.29770 of 2023. This Court, by its order dated 19.08.2024, disposed of the writ petition by granting liberty to the petitioner to apply for the appointment of non-hereditary trustee, if any notification is published by the

Department. Now, it is reported that a notification has been issued for appointment of trustees of the Arulmigu Meenakshi Sundareswarar Temple. However, the petitioner has raised his apprehension that the appointments are made only through political influence and the services rendered to the deity and the temple are not given any weightage.

2. Mr.J.K.Jeyaseelan, learned Government Advocate takes notice for the respondents 1 and 2. Mr.R.Murali, learned counsel takes notice for the temple.

3. The Learned Counsel for the respondents denied the allegations made by the petitioner that priority is given to political persons in the selection of trustees. It is submitted that Sections 25A and 26 of the HR and CE Act stipulates certain qualifications and disqualifications based on which the selection of trustees are made.

4. This Court considered the rival submissions made and perused the materials.

5. A Trustee is the administrator of the temple. Though the temple is administered through the Executive Officer, the decisions can be taken by the Executive Officer only with the concurrence of the trustees. The powers of the trustees have been provided under Section 28 of the HR&CE Act which reads as under:

> "28.Care required of trustee and his powers-
>
> (1).Subject to the provisions of the Tamil Nadu Temple Entry Authorisation Act, 1947, the trustee of every religious institution is bound to administer its affairs and to apply its funds and properties in accordance with the terms of the trust, the usage of the institution and all lawful directions which a competent authority may issue in respect thereof and as carefully as a man of ordinary prudence would deal with such affairs, funds and properties if they were his own.
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> (2) A trustee shall, subject to the provisions of this Act, be entitled to exercise all powers incidental to the provident and beneficial administration of the religious institution and to do all things necessary for the due performance of the duties imposed on him.
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> (3) A trustee shall not be entitled to spend the funds of the religious institution for meeting any costs, charges or expenses incurred by him in any suit, appeal or application or other proceedings for, or incidental to his

> removal from office or the taking of any disciplinary action against him.
>
> Provided that the trustee may reimburse himself in respect of such costs, charges or expenses if he is specifically permitted to do so by an order passed under Section 102."

The Temples are receiving huge revenue, which are being administered by the Trustees. The existing provisions under Sections 25A and 26 of the HR&CE Act are not sufficient to identify a right person to administer the temples. This Court, while disposing of the writ petitions filed by the petitioner in WP(MD) Nos.23665 and 29770 of 2023, directed the Department to frame separate rules prescribing the procedure for the selection of trustees vide order dated 19.08.2024 and the relevant portions are extracted as under:

> "14.This Court is of the view that the qualifications prescribed under the Act for the appointment of Trustees are not sufficient to ensure their capacity to administer the Temple and its properties effectively. The Trustees are having more powers than the Executive Officers in the Temple administration. The Executive Officers are expected to execute the decisions taken by the Trustees......

> ...
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> 19.The Department is expected to appoint a person, who is not only with impeccable integrity, devotion, sincerity, honesty and belief, but also a person with some basic knowledge in agamas, tradition and administration of the temples. The appointment should not be a mechanical process and it has to be made with application of mind and also in a transparent manner. The Department shall ensure that mere political recommendation or a person capable of making huge donations cannot be a criteria for being appointed as a Trustee. Separate rules have to be framed prescribing the procedures for the selection of Trustees and for the selection of the District Committee."

6. It is reported that the suggestion made by this Court in the earlier writ petitions has not been considered at all by the Department. In fact, the Department is responsible for the day-to-day affairs of the Temple and also for the properties of the temple. With the existing mechanism, a right person cannot be identified to act as trustee. It is also pertinent to note that Rule 14 of the Tamil Nadu Government Servant Conduct Rules, 1973, mandates that no person with political background

shall be appointed as a Trustee or an employee of the temple in any cadre. However, in this writ petition, this court is not inclined to issue any directions to the respondents to frame any guidelines. At the same tine, the Department is expected to act in a fair manner in identifying the persons who will be responsible for the administration of the temple.

7. Since the Temple Trustees are provided with the powers to manage the funds and properties of the temple and also take all measures for the beneficial administration of the temple, only the persons who are devoted to the temple and doing service to the Temple, should be considered for the post of trustee. Political affiliation shall not be a ground for the appointment of Temple Trustees.

8. The petitioner is at liberty to file necessary application for the selection of trusteeship as notified in the notification issued by the respondents. The petitioner's service shall also be considered by the selection committee during the selection process.

9. With the above observations, this writ petition is closed. Since it

is reported that the selection has not been completed, the petitioner is permitted to apply for the trusteeship as per the notification issued by the respondent. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2025

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Index : Yes / No.
Internet: Yes / No.
NCC : Yes / No.

To

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**B.PUGALENDHI, J.**

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