



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP.No.7279 of 2026

and

W.M.P.Nos.7847, 7848 and 7850 of 2026

A.Kumarasivan

..Petitioner(s)

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment
Department,
No.34 Nugambakkam High Road,
Nugambakkam Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Coimbatore - 641 018.
3. The Thakkar,
Arulmigu Arunagirinathar Thirukoil,
Deputy Commissioner/ Executive Officer,
Arulmigu Subramania Swamy Temple,
Maruthamalai, Coimbatore.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Coimbatore,
Coimbatore - 641 018.
5. S.Murugesan
6. S.Venkittamani

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India calling for entire records pertaining to the order dated 24.11.2025 of the 2nd



respondent in Nada.Na.Ka.No.9569/ 2025/ Aa4 and notices dated 19.01.2026 and 10.02.2026 of the 3rd respondent and quash the same consequently direct the 2nd respondent to conduct fair enquiry is taking over the administration and appointing Thakkar / Fit person to the Arulmigu Arunagirinathar Thirukoil, Maruthamalai Adivaram, Perur Taluk, Coimbatore District.

For Petitioner(s) : Mr.G.Govarthanan

For Respondent(s) : Mr.N.R.R.Arun Natarajan,
Special Government Pleader for R1 to R4

ORDER

This writ petition is filed for a certiorarified mandamus calling for the entire records pertaining to the order dated 24.11.2025, of the second respondent and the notices dated 19.01.2026 and 10.02.2026 of the third respondent and quash the same and consequently direct the second respondent to conduct a fair enquiry in taking over the administration and appoint the Thakkar / fit person to Arulmigu Arunagirinathar Thirukoil, Marudhamalai Adivaram, Perur Taluk, Coimbatore District.

2. The grievance of the petitioner is that originally Arulmigu Arunagirinathar Arul Neri Krithigai Kazhagam Trust was constituted with pious and charitable objects and the premises was established and now is also maintained as Arunagirinathar Thirukoil. While so, in view of the efflux of time, when some of the members of the trust having been expired and when the



affairs of the trust was going in a usual manner, a Show Cause notice was issued to the petitioner on 05.01.2024, directing him to show cause why the temple should not be brought under the control of the department. The petitioner had shown cause by his explanation dated 16.12.2024. However, thereafter nothing had taken place, neither the petitioner was called for any enquiry nor any order was communicated to him. Suddenly, now the impugned order and the consequential proceedings are served to him, as if the fit person is appointed and directing the petitioner to handover the management to the fit person.

3. The learned counsel submits that if any charge or mismanagement is alleged, then an enquiry ought to have been conducted before taking over the management. The petitioner is the *de facto* trustee of the endowment / temple. Therefore, the impugned orders are illegal.

4. Mr.NRR.Arun Natarajan, learned Special Government Pleader submits that when it was found that the said temple which is also in the Maruthamalai Adivaram and its property became vulnerable, it was thought it fit to bring the same under the control and management of the department. In that regard, show cause notice was issued including to the petitioner. In the meanwhile, the poojari and yet another person associated with the temple have already given statements stating no objection for taking over of the temple. Accordingly, by detailed consideration, an order was passed taking over the temple under the



management of the department on 26.12.2024 itself. Thereafter, to facilitate the management, a fit person was appointed. The impugned order is not even the appointment of the fit person but change of fit person from one executive officer to another executive officer owing to the practical difficulties. Therefore, by challenging the same, the petitioner cannot retain himself in the management of the affairs of the temple.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It can be seen that the show cause notice was issued to the petitioner by describing him as Nadaimurai Nirvagi (நடைமுறை நிர்வாகி). When the petitioner has submitted his explanation and resisted the attempt, when the order was passed on 26.12.2024, it can be seen that only the statement of Murugesan who said no objection alone is referred, not even the explanation given by the petitioner is referred cited therein or reflected in the order. Therefore, when a Show Cause notice was issued and when the concerned person submits the explanation, the 4th respondent ought to have considered the same before passing the order of taking over.

7. Be that as it may, since it is stated that the said order was not even



communicated to the petitioner, the petitioner could not expressly challenge the same. At the same time, it is only the Executive Officer of the adjacent temple, who is now designated as the fit person. The petitioner's day to day activities with reference to the temple can be safeguarded, until he is heard and an order that has been passed. At the same time, since it is stated that the immovable properties and the movable properties of the temple are stated to be in peril, the supervision of the fit person shall also be there. The petitioner or any other person shall not also cause any encumbrance or any change in the movable or immovable properties of the temple.

8. In view thereof, this writ petition is ordered in the following terms:

- (i) The order of the 4th respondent dated 26.12.2024 bringing the temple under the control of the department shall stand set aside.
- (ii) The petitioner's explanation shall be considered and the petitioner shall also be personally heard and fresh orders be passed, in any event within a period of four weeks from the date of receipt of the copy of the order. But however in the meanwhile, the appointment of the fit person is not set aside to the limited extent of supervision and the day to day management of the affairs of the temple shall be vested with the petitioner, but will be supervised and controlled by the fit person appointed being the



executive officer of the Arulmigu Subramanian Swamy Thirukoil, Marudhamalai.

(iii)

The petitioner or any other person cannot alter the nature of the immovable properties or create any charge or deal with the immovable properties or the movable properties in any manner whatsoever. It is pending the further orders of the department. It is only the day to day affairs that can be maintained by the petitioner.

9. This writ petition is ordered accordingly. No costs. Consequently connected miscellaneous petitions stand closed.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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D.BHARATHA CHAKRAVARTHY, J.

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