



W.P.Nos.6539 & 6546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.6539 & 6546 of 2024

and

W.M.P.Nos.7277, 7267 & 7276 of 2024

W.P.No.6539 of 2024 :

T.Babu

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nagapattinam Region,
No.64/2, Neela South Street,
Nagapattinam – 611 001.

3.T.Ravi @ Vaithyalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the order dated 14.01.2024 of the 1st respondent made in



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A.P.No.12 of 2023 confirming the order dated 10.02.2023 of the 2nd respondent made in Na.Ka.No.3749/2022/A2 and quash the same and direct the 2nd respondent to record petitioner succession as Hereditary Trustee to the office of the Temple called Arulmigu Nellukadai Mariamman Temple situated at Perumal East Street, Nagapattinam, in the place of petitioner's demised father/declared Hereditary Trustee.

W.P.No.6546 of 2024 :

T.Babu

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nagapattinam Region,
No.64/2, Neela South Street,
Nagapattinam – 611 001.

3.T.Ravi @ Vaithyalingam

4.M.Subramania Pillai

5.R.Natarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records pertaining to the order dated 14.01.2024 of the 1st respondent made in A.P.No.13 of 2023
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confirming the order dated 10.02.2023 of the 2nd respondent made in Na.Ka.No.4074/2022/A2 and quash the same.

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For Petitioner : Mr.V.Srikanth
in both writ petitions

For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R1 and R2 in both writ petitions

: Mr.N.Inba Maran
for R3 in W.P.No.6539 of 2024 and
for R4 & R5 in W.P.No.6546 of 2024

COMMON ORDER

These writ petitions have been filed against the orders of the 1st respondent, dated 14.01.2024, dismissing the Appeals filed by the petitioner under Section 54(4) of the Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “HR &CE Act” for brevity), in A.P.Nos.12 and 13 of 2023/D2, arising out of the petitions filed by the petitioner under Section 54(1) of the HR & CE Act.

2.The petitioner states that his grandfather V.K.N.Muthukumarasamy Pillai was declared as the Hereditary Trustee of Arulmigu Nellukadai



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Mariamman Temple situated at Perumal East Street, Nagapattinam, pursuant to the orders of the Deputy Commissioner, HR & CE Department, Nagapattinam, in O.A.No.50 of 1976, dated 09.03.1977. Thereafter, the declared Hereditary Trustee died on 08.03.1981. Prior to his death, due to his ill health, he became incapacitated to continue in the office and a permanent vacancy occasioned in the office of the Hereditary Trustee and based on his representation, the petitioner's father V.K.N.M.Thiyagarajan Pillai recorded his succession vide order, dated 24.08.1978, made by the Deputy Commissioner, Nagapattinam. Though all the persons coming under the category of "next line of succession" are entitled to record themselves as Hereditary Trustees, the brothers gave consent to the petitioner's father. Accordingly, the petitioner's father was officiating as Hereditary Trustee of the Temple for nearly five decades till his demise on 29.03.2022. The petitioner's father has left behind his wife, the petitioner herein and his brother/3rd respondent herein, and daughter Mrs.Uma Maheswari as his legal heirs. It is the contention of the petitioner that, among them, the wife and daughters of the demised Hereditary Trustee have not shown any interest in recording their succession. Since the petitioner had already supported his ailing father, the petitioner approached the 2nd respondent to record his



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succession vide his representation dated 13.04.2022 in the place of permanent vacancy occurred due to the death of petitioner's father.

However, the 2nd respondent has rejected the request of the petitioner by order dated 10.02.2023 solely on the ground that succession to office would enure only to the eldest male descendant alone. Further, the 2nd respondent has relied upon an alleged Will dated 23.01.1969 stated to have been executed by the petitioner's grandfather V.K.N.Muthukumara Samy Pillai, wherein, it is stated that only the eldest male descendant is entitled to record succession. Further, by order dated 10.02.2023, the 2nd respondent has declared the respondents 3 to 5 as Hereditary Trustees on the strength of the Will dated 23.01.1969. Aggrieved by the order of the 2nd respondent, the petitioner has preferred Appeals in A.P.Nos.12 and 13 of 2023 before the 1st respondent. However, the said Appeals have been dismissed by impugned orders dated 14.01.2024. Challenging the same, the present writ petitions have been filed.

3.Learned counsel for the petitioner would submit that, as per Section 54(1) of the HR & CE Act, all the legal heirs of the demised Hereditary Trustee are entitled to record succession. Therefore, according to him, the



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petitioner who is also in the “line of succession” is entitled to record his succession. However, the 2nd respondent, has relied upon an alleged Will of the petitioner’s grandfather dated 23.01.1969, and has deprived the petitioner alone from recording his succession. The learned counsel would further submit that the petitioner’s grandfather had never disclosed nor discussed about the alleged Will dated 23.01.1969 while getting declared as Hereditary Trustee in O.A.No.50 of 1976. However, the 2nd respondent has not applied his mind to the provision of law under Section 54(1) of the HR & CE Act and has passed an order including the respondents 3 to 5 as Hereditary Trustees, not including the petitioner in the line of succession, and has mechanically rejected the claim of the petitioner without even affording an opportunity to the petitioner and the same has also been erroneously confirmed by the 1st respondent on Appeal. Therefore, the learned counsel would pray that the impugned orders of the 1st respondent can be set aside and the matter can be remanded back for passing orders afresh after affording an opportunity to the petitioner and other family members in the manner known to law.



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4.Learned counsel for the respondents would submit that, after the demise of petitioner's grandfather V.K.N.Muthukumarasamy Pillai, though the petitioner's father V.K.N.M.Thyagarajan Pillai had been looking after the administration of the Temple, there are other brothers, who are petitioner's paternal uncles, who were also in the line of succession and they have male heirs. The learned counsel would submit that all these issues cannot be adjudicated by the HR & CE authorities and the petitioner has to approach the competent Civil Court for working out his remedy.

5.In view of the submissions made by the learned counsel on either side, since the issue revolves around the rights of the family members in claiming their status as Hereditary Trustees of the Temple as per Section 54(1) of the HR & CE Act, the petitioner is at liberty to approach the competent Civil Court challenging the impugned orders and for appropriate reliefs. On such exercise, the impugned order will be subject to the orders of the Civil Court and the orders of the Civil Court shall be implemented by the HR & CE officials.



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6. With these directions, these writ petitions are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

04.03.2026

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Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation : Yes / No

To

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No.119, Uthamar Gandhi Salai,
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M. DHANDAPANI, J.

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