



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. 7799 of 2026

W.M.P.No.8403 of 2026

J. Vimal

..Petitioner(s)

Vs

1. The Commissioner
Hindu Religious and Charitable Endowments
Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai -600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Commercial tax Building, Ground Floor,
Dr.Balasundaram Road,
Coimbatore -641 018.
3. The Executive Officer,
Arulmighu Mariamman and Mundhi Vinayagar
Temple,
Puliyakulam,
Coimbatore -641 045.
4. Devendrankula Velalar Samooga Panchayat
Sabhai
Rep. by its President Arivazhagan,
D.No.4/21, Karupparayan Koil Street,
Coimbatore -641 045.
5. R.Vellingiri Pannadi
6. V.Ashok Kumar
7. S.Shanmugaraja
8. J.Gobinath



9. A.Gunasekaran
10.R.Murugaraj

..Respondent(s)

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari or any other appropriate Writ, Order or Direction in the nature of a Writ, to call for the records pertaining to the impugned order dated 12/02/2026 in O.A.No.3 of 2020 on the file of the 2nd Respondent and quash the same as it is non-est and invalid in law.

For Petitioner(s):	Mr.Roshan Atiq M
For Respondent(s):	Mr.N.R.R.Arun Natarajan Special Government Pleader For R1 to R3. Mr.K.Vasanthanayagan for R4 to R6.

ORDER

The Writ Petition is filed challenging the impugned order dated 12.02.2026 made in O.A.No.3 of 2020 on the file of the second respondent and to quash the same.

2.It can be seen that the petitioner has filed an application under Section 63 (e) of the Hindu Religious and Charitable Endowment Act, 1959, claiming a customary right to conduct certain rituals and ceremonies with regard to the temple. When the same was taken up by the authority especially under Court direction to pass orders within a time frame, it is seen from the order that the petitioner did not co-operate and therefore the original application came to be dismissed.



3.The learned counsel for the petitioner submits that he is all along co-operating and he did not drag on the matter.

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4.Per contra, the learned Special Government Pleader appearing on behalf of respondents 1 to 3 would submit that it is not dismissed on the finding of non-cooperation alone, the authority had also found that repeated civil suits have also been filed and the interim orders have gone against the petitioner. When the time frame has been fixed and the parties are not cooperating the authority will have no other option than to dismiss the petition. The petitioner has also got a right of appeal over the order without exhausting the same, he is filing the present Writ Petition.

5.Mr.K.Vasanthanayagan, the learned counsel taking notice on behalf of the other respondents would submit that as a matter of fact it is only a dismissed for default and even restore petition can be filed and the petitioner need not approach this Court.

6.The learned counsels who appearing on behalf of Temple would adopt the arguments of the learned Special Government Pleader appearing for the authorities.



7. I have considered the rival submissions and perused the materials available on records.

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8. It is seen that the petitioner has got an alternative remedy of appeal. This Writ Petition raises the question of opportunity. No exception whatsoever can be taken to the approach of the authority when there is a direction by the High Court, and if the parties are not cooperating the authority will have no other option than to close the matter on default. However, today, now it is undertaken before this Court that the petitioner as well as the other contesting respondents will cooperate with the authority on whatever dates. As far as the petitioner is concerned, the petitioner does not want to lead any additional evidence. As far as the respondents are concerned, the learned counsel submits that he does not have instructions. Even otherwise, if any documents have to be filed on behalf of the contesting party they should file on or before 15.03.2026. Thereafter, either side will not be permitted to produce any documents. If any oral evidence have to be let in that can be permitted. Thereafter, the matter can be re-argued and the authority can pass orders as early as possible. It is also made clear that the authority can only consider the customary rights de-hors the “non-existent thing called caste”. This Writ Petition is ordered on the following terms:-



i)The impugned order dated 12.02.2026 made in O.A.No.3 of 2020 shall stand set aside and O.A.No.3 of 2020 shall stand restored to the file of the second respondent for fresh disposal.

ii)The matter is remanded back to the file of the second respondent as stated earlier. The liberty is given for the parties to produce any document or to file any affidavit of additional evidence on or before 15.03.2026 and thereafter nothing can be produced by the parties and thereafter both parties shall cooperate with the authorities on such date fixed by the second respondent for the hearing.

iii)It is made clear that in view of remanding the matter, the earlier directions given to dispose of the matter before the particular date and thereafter only to conduct the festival will no longer be relevant.

iv)No costs. Consequently, connected Writ Miscellaneous Petition is closed.

26-02-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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To

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(1/2)**