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W.P.No.7808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**W.P.No.7808 of 2024 &
WMP.Nos.8746, 8748 & 8751 of 2024**

1. Gowri Ammal,
W/o.Late. T.Mani Chettiar,
Hereditary Trustee of A/m.Kadumbadi
Chinnamman Temple,
No. 213, Bharathi Salai, Royapettah,
Chennai-600 014.
2. T.M.Parameswari,
D/o.Late. T.Mani Chettiar,
Hereditary Trustee of A/m.Kadumbadi
Chinnamman Temple,
No. 213, Bharathi Salai, Royapettah,
Chennai-600 014.
3. T.M.Murali,
S/o.Late. T.Mani Chettiar,
Hereditary Trustee of A/m.Kadumbadi
Chinnamman Temple,
No. 213, Bharathi Salai, Royapettah,
Chennai-600 014.

...Petitioner(s)

Vs



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1. The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department, Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Tamil Nadu Hindu Religious And Charitable
Endowments Department, Mylapore,
Chennai -600 004.
3. The Executive Officer,
A/m.Siddibudhi Vinayagar & Sundareshwarar
Temple, Royapettah, Chennai-600 014.
4. T.M.Thanigachalam,
S/o.Late. T.Mani Chettiar,
No.213, Bharathi Salai, Royapettah,
Chennai-600 014.
5. T.M.Kalpana,
D/o.Late.T.Mani Chettiar,
No.213, Bharathi Salai, Royapettah,
Chennai - 600 014.

...Respondent(s)

Writ Petition filed under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, to call for
the records pertaining to the proceedings in
Na.Ka.No.75080/2023/BI1/dated 29.03.2023, on the file of the 1st



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respondent, quash the same and direct the respondents 1 to 3 to hand over the keys of A/m. Kadumbadi Chinnamman Temple, situated at No. 213, Bharathi Salai, Royapettah, Chennai to the petitioners and the respondents 4 and 5 within a time frame as may be fixed by this Court.

For Petitioner(s): M/s.G.Sumitra
U.Meharunisha

For Respondent(s): Mr.N.R.R.Arun Natarajan, SGP
(HR& CE) for R1 to R3
R4 & R5 served and no appearance

ORDER

This is a petition filed by the petitioners challenging the proceedings of the first respondent dated 29.3.2023 and to direct respondents 1 to 3 to hand over the keys of Arulmighu Kadumbadi Chinnamman Temple situated at No.213, Bharathi Salai, Royapettah, Chennai to the petitioners and respondents 4 and 5 within a stipulated time.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for respondents 1 to 3.



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3. The case of the petitioners is as follows:

(i) Petitioners 2 and 3 and respondents 4 and 5 are the children of the first petitioner. All the five claim to be the hereditary trustees of Arulmighu Kadumbadi Chinnamman Temple, Royapettah, Chennai-14. They claim it to be a private temple and the hereditary trustees are in continuous management and administration of the temple time and again from 1882.

(ii) Earlier, when dispute arose in the year 1978, the first petitioner's brother in law filed O.A.No.23 of 1978 under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowment Act (for short, the Act), in which, he was declared as the hereditary trustee. Later, during the year 2003, when the respondent Department attempted to appoint a fit person, the first petitioner's husband filed an appeal before the first respondent and it was allowed by proceedings dated 14.7.2004.

(iii) After the demise of the husband of the first petitioner, M.P.No.2 of 2018 was filed by the present hereditary trustees under Section 54(1) of the Act before the second respondent. In the meantime, while the husband of the first petitioner was alive, he filed O.A.No.14 of



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1998 under Section 63(a) of the Act seeking to declare that the temple is a private temple. In that, the petitioners and respondents 4 and 5 were also got impleaded.

(iv) When things stood thus, some third persons were giving trouble to the petitioners by making false complaints and claiming themselves to be the members of the rescue committee of the temple. Even during the year 2021, a few unidentified persons came to the temple and threatened the hereditary trustees. Hence, the hereditary trustees were forced to send a representation dated 12.12.2021 to the first respondent. Pursuant to that, one of the trustees sent a complaint dated 08.01.2022 to the police officials, another complaint dated 31.01.2022 to the Commissioner, Greater Chennai Corporation, the Chief Minister's Special Cell and the police officials. Later, another representation dated 04.2.2022 was given to the first respondent. The trustees also sent a legal notice dated 01.10.2022.

(v) As no action was taken, even thereafter, on behalf of the temple, all the five trustees filed W.P.No.8965 of 2022 before this Court against the Commissioner, Greater Chennai Corporation, the respondent



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Department, the police and one Mr.Aravind seeking a direction to the respondent Department not to disturb the petitioners without due process of law. The said writ petition was disposed of on 11.4.2022 giving a direction to the Commissioner of the respondent Department to inquire into the complaint given by the trustees within a time frame.

(vi) Despite the orders of this Court, on 29.6.2022, the said Mr.Aravind illegally encroached upon the shop properties of the temple and assaulted the third petitioner when there was a resistance to make such attempt. Later, the second respondent, vide order dated 12.8.2022, rejected M.P.No.2 of 2018 filed under Section 54(1) of the Act on the trivial ground that the death certificate of one Mr.Umapathi Chettiar was not produced, which was not actually true.

(vii) Aggrieved by the order passed by the second respondent dated 12.8.2022, the trustees filed R.C.No.397 of 2022 before the first respondent and the same is still pending. Further, the concerned Assistant Commissioner, HR & CE, in spite of the clear directions issued by this Court, passed an order dated 27.9.2022 appointing the third respondent as the fit person of the temple.



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(viii) Immediately thereafter, the trustees sent a representation dated 30.10.2022 to the second respondent aggrieved by the arbitrary order passed by the concerned Assistant Commissioner dated 27.9.2022. On receipt of the same, the first respondent, vide communication dated 29.10.2022, gave an assurance to the trustees that the inquiry was going on. As against the order dated 27.9.2022 passed by the concerned Assistant Commissioner, HR & CE, the trustees also filed R.P.No.151 of 2023 on 10.1.2023.

(ix) In the meantime, the second respondent, vide order dated 03.10.2022, dismissed O.A.No.14 of 1998 filed by the trustees under Section 63(a) of the Act. Challenging the same, the trustees filed an appeal in A.P.No.145 of 2022 before the first respondent. On 12.5.2023, some of the officials of the respondents Department handed over a copy of the letter dated 10.5.2023 issued by the second respondent directing the fit person to take charge of the temple. But, it did not evoke any response.

(x) Having left with no other alternative, four of the trustees filed another writ petition in W.P.No.22790 of 2023 before this Court



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challenging the proceedings dated 27.9.2022 passed by the concerned Assistant Commissioner and the proceedings of the second respondent dated 10.5.2023 and it was disposed of by order dated 07.8.2023.

(xi) The trustees were never put on notice by any of respondents 1 to 3 for inquiry at any point of time. The temple is a small temple situated around 3 grounds of land in Royapettah. When several other proceedings are pending before the first respondent, no fit person could be appointed.

(xii) In the meantime, based on the order dated 11.4.2022 passed in W.P.No.8965 of 2022, the first respondent initiated action on the representations of the fifth respondent dated 12.12.2021 and 04.2.2022 and by the impugned order, concluded that there was no impediment for the concerned Assistant Commissioner to conduct field inquiry and dropped the action on the representation dated 04.2.2022 sent by the fifth respondent. Hence the writ petition.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners submits that it would suffice if this Court grants liberty to the petitioners to work out their remedy before the



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concerned Authority in terms of Section 54(1) of the Act. The said submission is recorded.

5. In view of the limited request made by the learned counsel for the petitioners, this Court, without interfering with the impugned proceedings, grants liberty to the petitioners to approach the concerned Authority under Section 54(1) of the Act.

6. This writ petition is closed with the above liberty. No costs. Consequently, the connected miscellaneous petitions are also closed.

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



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To

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Tamil Nadu Hindu Religious And Charitable
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Tamil Nadu Hindu Religious And Charitable
Endowments Department, Mylapore,
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A/m.Siddibudhi Vinayagar And
Sundareshwarar Temple, Royapettah,
Chennai - 600 014.



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