



W.P.No.10488 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.10488 of 2022
And
W.M.P.No.10192 of 2022**

K.Rajendran

... Petitioner

Vs.

- 1 The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungabakkam,
Chennai – 600 034.
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr.Balasundaram Salai,
Coimbatore – 641 018.
- 3 The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr.Balasundaram Salai,
Coimbatore – 641 018.
- 4 The Executive Officer,
Arulmigu Chelleswarar Temple,
Thirukovil, Andhiyur Nagar,
Erode District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records



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pertaining to the proceedings of the third respondent dated 28.07.2021 in Nada.Na.Ka.No.2218/2021/A3 and to quash the same, and consequently to call for the records pertaining impugned communication / order dated 01.03.2022 by the fourth respondent and quash the same.

For Petitioner : Ms.V.S.Usharani
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the third respondent dated 28.07.2021 in Nada.Na.Ka.No.2218/2021/A3 and to quash the same, and consequently to call for the records pertaining impugned communication / order dated 01.03.2022 by the fourth respondent and quash the same.

2.The learned counsel appearing for the petitioner submitted that Arulmigu Chockanachiamman Temple situated at No.592 of No.18, Vempathy "B" Village, Anthiyur Taluk, Erode District is believed to be in existence for more than 100 years and was founded by the petitioner's ancestors and was maintained by them and for more than



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three generations, the idol of the said Temple is the Ishta Deivam of the petitioner's family. After the demise of the petitioner's father in the year 2007, the petitioner was entrusted with the affairs and management of the said Temple as hereditary trustee. The said Temple has inam lands to an extent of 10.75.5 Hectares of land in No.18, Vempathy Village, Anthiyur Taluk, Erode District and those lands are leased out to third parties and out of the said income, the Temple affairs have been taken care and managed by the petitioner. Whiles, the petitioner received the impugned communication dated 28.07.2021 from the respondent stating that the Executive Officer of Chelleswarar Temple was appointed as in charge of Arulmigu Chockanachiamman Temple and on receipt of the said communication, the petitioner met the officials and explained the factual aspects, however, the petitioner received yet another communication after a lapse of six months stating to handover the charges to the newly appointed Fit Person / Executive Officer of the Arulmigu Chelleswarar Temple.

3.The learned counsel appearing for the petitioner further submitted that the petitioner made application under Section 63(b) of



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the H.R. & C.E. Act for declaring him as the Hereditary Trustee and the said application is pending. The learned counsel further submitted that in the counter affidavit filed by the fourth respondent it is stated that the Assistant Commissioner, Erode had issued order of appointment as non hereditary trustee to the petitioner vide proceedings dated 08.07.2005, however, the petitioner had no knowledge of the said fact and further submitted that the respondents simply collected some papers from the petitioner and had appointed him as non hereditary trustee. The learned counsel further submitted that the petitioner and his ancestors had managed the subject Temple for many years and hence, the impugned communication is not sustainable one.

4.The learned Special Government Pleader submitted that the subject Temple was brought under the control of the H.R. & C.E. Department in the year 1973 and a demand under Section 92(1) and (2) of the H.R. & C.E. Act was issued by the Commissioner in demand no.29336 dated 18.10.1973 and at that time, the assessable income of the subject Temple was Rs.1,470/-. The petitioner submitted application for appointing him as non hereditary trustee in the



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prescribed format on 05.06.2005 to the Assistant Commissioner and the said application was placed before the then District Committee of Erode District and a resolution was passed on 30.06.2005 vide Resolution No.556 and based on the said Resolution, the Assistant Commissioner, Erode issued the order of appointment as non hereditary trustee to the petitioner vide proceedings dated 08.07.2005. In the said proceedings, the period of trusteeship was prescribed as three years.

5.The learned Special Government Pleader further submitted that vide Ordinance No.5/2006 dated 14.07.2006, the period of non hereditary trustee was reduced to one year and as such the tenure of the petitioner came to end and hence a Fit Person was appointed vide proceedings of the Assistant Commissioner dated 01.08.2006. The proceedings of the Assistant Commissioner dated 08.07.2005 and 01.08.2006 were not challenged by the petitioner. Subsequently, it was found that the lands belong to the suit Temple are not leased out by public auction; receipt and charges statements, were not submitted by the petitioner; fair rent not fixed for the marriage hall belonging to the Temple and in order to augment the income of the subject temple, the then Inspector, H.R. & C.E. Department, Anthiyur, submitted a



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report on 16.07.2021 to the Assistant Commissioner with a request to appoint a Fit Person.

6.The learned Special Government Pleader further submitted that after perusing the said report in detail, the Assistant Commissioner issued the proceedings dated 28.07.2021 by appointing a Fit Person. Thereafter, the said Fit Person sent letter dated 04.08.2021 to the petitioner to handover the charge of the subject Temple and the petitioner sent reply dated 01.09.2021 and since the said reply was not convincing, the Fit Person sent reminder notice dated 01.03.2022. Thereafter, on 22.04.2022, the petitioner himself admitted over phone to the Fit Person that he will hand over charge on 25.04.2022 and the Fit Person sent another notice dated 23.04.2022 to the petitioner, however, the subsequent facts were suppressed by the petitioner.

7.The learned Special Government Pleader further submitted that the subject Temple owns 16.79 acre punja land in Survey No.512 and 09.84 acre punja land in Survey No.570/2 in Vembathi Village of Anthiyur Taluk and has total of 26.56 acres punja land. The petitioner



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has been fully occupying and utilizing these lands for his own purpose, which has resulted in huge financial loss to the Temple.

8.Heard the arguments advanced on either side and perused the materials available on record.

9.Admittedly, the issue is whether the subject Temple is a Hindu public religious institution and declared as H.R.& C.E. Temple under Section 46 of the Hindu Religious and Charitable Endowments Act, however, the Temple is not public religious institution that comes under Section 46 of the Act. If the Temple is a public religious institution that comes under Section 46 of the Act, then the jurisdiction vests with the Joint Commissioner and thereafter with the Government, however, the Temple is coming under the eminent power of the Commissioner, H.R.& C.E.

10.Perusal of records reveal that the petitioner submitted application for appointing him as non hereditary trustee in the prescribed format on 05.06.2005 to the Assistant Commissioner and the said application was placed before the then District Committee of



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Erode District and a resolution was passed on 30.06.2005 vide Resolution No.556 and based on the said Resolution, the Assistant Commissioner, Erode issued the order of appointment as non hereditary trustee to the petitioner vide proceedings dated 08.07.2005. In the said proceedings, the period of trusteeship was prescribed as three years and vide Ordinance No.5/2006 dated 14.07.2006, the period of non hereditary trustee was reduced to one year and as such the tenure of the petitioner came to end and Fit Person was appointed vide proceedings of the Assistant Commissioner dated 01.08.2006. The proceedings of the Assistant Commissioner dated 08.07.2005 and 01.08.2006 were not challenged by the petitioner. The communications impugned in this writ petition are in continuation of the earlier orders and hence questioning the same is not sustainable one.

11.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.03.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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