



W.P.Nos.13567 & 13574 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

**W.P.Nos.13567 & 13574 of 2026
and WMP.Nos.14839 and 13574 of 2026**

1. N.Ananthan

2. P.Subramaniyan

...Petitioners in
both the WPs

Vs

1. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Salem Division, Salem 636001.

2. The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Kottai Mariyamman Kovil Campus,
Salem 636001.

3. C.Murugan

...Respondents in
both the Wps



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PETITIONS under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus

(i) directing the 1st respondent to take on file the original application filed by the petitioners under Section 63(A) of the Tamil Nadu Hindu Religious & Charitable Endowment Act, 1959, before the Office of the Joint Commissioner, Hindu Religious And Charitable Endowments Department, Salem, which is yet to be numbered, and dispose of the same in accordance with law within a time frame to be fixed by this Court. (WP.No.13567 of 2026); and

(ii) directing the 1st respondent to take on file the original application filed by the petitioners under Section 21-A of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959, before the Office of Joint Commissioner, Hindu Religious & Charitable Endowment Department, Salem on 01.2.2026, which is yet to be numbered and dispose of the said original application in accordance with law within a time frame to be fixed by this Court (WP.No.13574 of 2026).

For Petitioners in both Mr.R.Sivaraman
WPs:

For R1 & R2 in both Mr.S.Ravichandran, AGP
WPs:

COMMON ORDER

These petitions are filed by the petitioners seeking a direction to the first respondent to take on file the original applications filed by the

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petitioners both under Section 63(a) as well as under Section 21-A of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (for short, the Act) before the office of the first respondent, which are yet to be numbered and dispose of the same in accordance with law within a time frame that may be fixed by this Court.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader accepting notice for respondents 1 and 2. In view of the limited nature of relief this Court proposes to grant, notice to the third respondent is dispensed with and the writ petitions are taken up for joint disposal.

3. The case of the petitioners in both the writ petitions is as follows:

(i) The first petitioner is the son of one Mr.Nadesan Pillai. The said Mr.Nadesan Pillai was the absolute owner of the property in T.S.Nos.328 & 329 (old S.No. 17/2B, Block No.3, T.S.Nos.3/1 & 3/3), Salem City measuring 8000 sq.ft. He acquired it by way of a release deed dated 22.4.1981 registered as doc.No.1766 of 1981 on the file of the Sub-Registrar concerned. Under the release deed, the executants unequivocally



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conveyed and released all their undivided share, right, title and interest over the subject property in favour of the said Mr.Nadesan Pillai.

(ii) After the demise of the said Mr.Nadesan Pillai on 13.3.1985, the subject property devolved upon his legal heirs including the first petitioner. The second petitioner is closely associated with the family of the first petitioner for several decades and has been managing the day-to-day affairs, poojas, festivals and maintenance of the temple situated in the subject property continuously and uninterruptedly with the express consent, approval and authority of the first petitioner and the other legal heirs of the said Mr.Nadesan Pillai.

(iii) The foundation of Sri Subramanyar & Vinayagar temple was laid on 18.1.1965 in the presence of the first petitioner, the elder brother of the second petitioner and the local residents. Such a participation did not confer any right, title or interest whatsoever over the subject property or the subject temple. The construction of the temple in the subject property was undertaken by the family of the first petitioner. Hence, the subject temple is a private temple and the Hindu Religious & Charitable Endowments (HR & CE) Department does not have any right of



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trusteeship, management or control over the subject temple.

(iv) The first petitioner obtained an electricity service connection in his name on 16.7.2001 from the Tamil Nadu Electricity Board and the expenses were borne by the family of the first petitioner. Since then, the subject temple has been continuously managed and maintained by the second petitioner with the express consent of the first petitioner and his other family members. Earlier, the two elder brothers of the second petitioner were managing the day-to-day affairs of the subject temple. After their demise, the second petitioner and his family members have been exclusively and continuously managing the entire day-to-day affairs of the subject temple. There is a long standing agreement to manage the subject temple with the approval of the first petitioner and his other family members.

(v) When things stood thus, on 06.1.2026, the third respondent along with some local people, unlawfully and high handedly attempted to trespass into the subject temple claiming himself to be the trustee allegedly appointed by the HR & CE Department. On account of the intervention of the neighbouring residents and well-wishers of the temple,



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such an attempt was not successful. Prior to that, the petitioners have not received any notice or proceedings or order nor called upon for an enquiry. The subject temple does not fall within the ambit or jurisdiction of the HR & CE Department. If the respondents seek to rely upon any internal memo, order and proceedings purporting to bring the subject temple under the control of the HR & CE Department, the first petitioner asserts that no such notice or order has been communicated either to him or to the other legal heirs of the said Mr.Nadesan Pillai nor any opportunity of hearing was granted.

(vi) Only pursuant to the attempt made by the third respondent, the petitioners came to know that the respondents claimed illegal authority over the subject temple. Hence, the petitioners caused a legal notice dated 17.1.2026 to the respondents stating that no enquiry or declaration under Section 63(a) of the Act. Even after receiving the notice, there has been no response from respondents 1 and 2.

(vii) Once again on 30.1.2026, the petitioner along with several local people, attempted to enter into the subject temple and erected a board stating that the subject temple is under the control and management



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of the HR & CE Department. When questioned about the same, the third respondent produced a copy of the proceedings dated 28.2.2025 alleged to have been issued by the second respondent. According to the petitioners, the second respondent issued such proceedings without verifying the revenue records and title in respect of the subject temple and without following the due process to bring the subject temple under the control of the HR & CE Department.

(viii) The petitioners have also approached the first respondent by filing two original applications on 09.2.2026 and on 01.2.2026 respectively against respondents 2 and 3 namely (i) under Section 63(a) of the Act seeking to declare that the subject temple standing on the petitioners' private patta lands is a private temple and that the respondents have no jurisdiction, control or authority whatsoever over the subject temple or the subject property under the Act and (ii) under Section 21-A of the Act seeking to declare that the order dated 28.2.2025 issued by the second respondent appointing the third respondent as the non hereditary trustee of the subject temple is illegal, void, non est in the eye of law and not binding on the petitioners.



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(ix) As the said two original applications were not taken on file, the petitioners caused a legal notice on 17.2.2026 to the first respondent to number the applications immediately on receipt of the statutory notice and take appropriate action in accordance with law. Despite it, no action has been taken on the applications filed by the petitioners. Hence the writ petitions.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. In the considered view of this Court, once the original applications are filed, it is but proper for the first respondent to take them on file and dispose of them after hearing all the parties concerned. The inaction without numbering the original applications is not expected of from the first respondent. The first respondent need not wait for the petitioners to approach this Court and get an order passed. He is conferred with all statutory powers to deal with them. Had the first respondent taken



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the original applications on file, the petitioners would not have approached this Court. Principles of natural justice demand that the first respondent should take on file the original applications and pass appropriate orders.

6. Accordingly, the writ petitions are disposed of with a direction to the first respondent to process the original applications filed by the petitioners on 09.2.2026 and 01.2.2026 respectively, number the same and pass orders on merits and in accordance with law after providing an opportunity of hearing to all the parties concerned. No costs.

10-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem Division, Salem 636001.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kottai Mariyamman Kovil Campus, Salem 636001.

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M.DHANDAPANI J.

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