



WEB COPY



W.P.No.12562 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.12562 of 2024
and WMP.No.13713 of 2024

Dr.Ravi K.Viswanathan

... Petitioner

Versus

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner-II,
Hindu Religious and Charitable
Endowment Department,
Mylapore, Chennai-600 004.

3.The Executive Officer,
A/m.Kutralingeswarar and Vaigundavasa
Perumal Temples,
Koyambedu, Chennai-600 107.

..... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the 3rd respondent in its proceedings dated 22.04.2024 and quash the same.



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For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

Challenge in the writ petition is to the order of the 3rd respondent dated 22.04.2024, in and by which, the third respondent is trying to usurp the administration and trying to alter the character of the petitioner temple.

2. The petitioner claims to be in possession and enjoyment of the Arulmighu Thiruvaleeswarar Thirupura Sundari Temple, Nerkundram, Chennai, which was purchased by his ancestors in the year 1941 and all the affairs of the temple have been managed and taken care of by the members of the petitioner's family. While that being so, HR&CE Department tried to interfere in the administration of the temple and O.A.No.36 of 1978 was filed by the petitioner's father before the Joint Commissioner under Sections 63 (a)&(b) of the TN HR & CE Act for declaration that the temple is a private temple. The said OA was dismissed on 19.09.2008 and the appeal preferred as against the same was also dismissed by the first respondent in A.P.No.35 of 2009 on 15.06.2010. Being aggrieved,



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O.S.No.157 of 2010 was filed before the Subordinate Judge, Poonamallee.

Thereafter, the Trial Court vide order dated 25.02.2011 in I.A.No.723/2010 rendered a finding that hereditary trustees alone are in Management and ordered *status quo* and the 3rd respondent was also impleaded in the suit. Subsequently, the suit was dismissed for default. Now the 3rd respondent trying to take undue advantage of the situation, has issued the impugned notice claiming that he has taken *suo motu* charge on 22.04.2024 and is trying to usurp the administration and alter the character of the temple. Hence, the petitioner has come up with the present writ petition.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that while entertaining this writ petition, this Court granted an order of interim status quo. In the meantime, the petitioner filed a restoration application before the trial Court for restoring the suit and the suit got restored and subsequently, injunction was also granted. Hence, this Court may close the writ petition by observing that the impugned order will be subject to the result of the suit.



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4. The learned Special Government Pleader appearing for the respondents have no objection for closing the writ petition by the aforesaid observation, however, submits that pursuant to the impugned order, Fit Person was taken over the charge and now he is performing poojas.

5. In the light of the aforesaid submissions made, without expressing anything on merits, this Writ Petition stands closed with an observation that any action taken pursuant to the impugned order will be subject to the outcome of the Suit in O.S.No.157 of 2010 on the file of the Subordinate Court, Poonnamallee. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index ; Yes/No

Internet: Yes / No

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M.DHANDAPANI, J.,

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To

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