



W.P.No.23761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**W.P.No.23761 of 2025 &
WMP.No.26731 of 2025**

A/m Oppilladha Amman Thirukoil,
Ariyalur, Ariyalur Taluk, Ariyalur District,
By Its Aadheena Parambarai Dharmakartha
K.R. Durai, S/o.Rathina Vijaya Oppillahda
Mazhavarayar Nainar, No.24/6,
Peria Aranmanai Ariyalur Taluk,
Ariyalur District.

...Petitioner(s)

Vs

1. The Commissioner
Hindu Religious & Charitable Endowment
Department, 119, Uthamar Gandhi Road,
Thaousand Lights West, Nungambakkam,
Chennai 600034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, Riverside Street, Cuddalore
607001.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Department, Ariyalur 621704.



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4. The Inspector,
Hindu Religious & Charitable Endowment
Department, Ariyalur, Ariyalur Taluk,
Ariyalur District.
5. Mrs. Rajalakshmi Aayal
W/o.Rajaji, D/o. K.V.Rama Vijaya Oppiladha
Mazhavaraya Nainar, Sri Rama Vijaya Vilas,
No.24, Peria Aranmani, Ariyalur, Ariyalur
Taluk, Ariyalur District.
6. Mr. R.Venkatesan,
S/o.Rajaji, Sri Rama Vijaya Vilas, No.24,
Peria Aranmani, Ariyalur, Ariyalur Taluk,
Ariyalur District.

...Respondent(s)

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records and quash the proceedings of the 2nd respondent in Na.Ka.No.4770/2025/A4 dated 09.6.2025 and the proceedings of the 4th respondent dated 24.4.2025 and consequently direct the respondents from in any manner interfering with the petitioner's right to managment of A/M Oppilladha Amman Thirukoil, Ariyalur, Ariyalur Taluk, Ariyalur District.

For Petitioner(s):
For Respondent(s):

Mr.D.Baskar
Mr.N.R.R.Arun Natarajan,
SGP for R1 To R4
Mr.K.Balu for R5 & R6



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ORDER

This is a petition filed by the petitioner challenging the proceedings of both the second respondent dated 09.6.2025 as well as the fourth respondent dated 24.4.2025 and consequently restrain the respondents from interfering with the petitioner's right to manage Arulmighu Oppilladha Amman Thirukoil, Ariyalur, Ariyalur Taluk, Ariyalur District.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for respondents 1 to 4 and the learned counsel appearing for respondents 5 and 6.

3. The case of the petitioner is as follows:

(i) The petitioner claims to be the Aadheena Parambarai Dharmakarthha of Arulmighu Oppilladha Amman Thirukoil, Ariyalur, Ariyalur Taluk & District. The petitioner also claims himself to be belonging to zamin family. The zamin family belonged several temples including the subject temple. The subject temple is a private property



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situated in S.Nos.555/168 and 555/185 totally measuring about 70 cents.

(ii) The petitioner's grandfather executed a Will on 10.12.1955 regarding the family properties. The deity in the subject temple is the family deity. At a later point of time, the senior paternal uncle of the petitioner filed O.A.No.23 of 1976 before the Deputy Commissioner, HR & CE Department, Trichy. Further, by order dated 02.7.1976, he was declared as the parambarai dharmakarthha of the subject temple. The petitioner's grandfather had three sons, out of whom, the senior paternal uncle of the petitioner had a daughter, who is none other than the fifth respondent. The sixth respondent is her son. The paternal uncles of the petitioner had only female descendents. The other legal heirs of the petitioner's grandfather are no more and the surviving descendent is not claiming anything.

(iii) The father of the fifth respondent executed a Will on 03.12.1992 bequeathing all his properties in favour of his wife and daughter, but he had not made any reference to parambarai dharmakarthha relating to the subject temple. As the fifth respondent did not give any formal consent, respondents 1 to 4 are attempting to grab the subject



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temple and instead have appointed a fit person, which is illegal and without jurisdiction.

(iv) Later, the petitioner filed a petition before the Joint Commissioner, HR & CE, Trichy, in which, respondents 5 and 6 gave consent letters. Further, by proceedings dated 18.10.2007, the petitioner was recognized as the parambarai dharmakartha. In order to effect partition among the petitioner, his brother, the fifth respondent and another, the petitioner filed O.S.No.319 of 2016 before the Sub-Court, Ariyalur and it was settled in the Lok Adalat on 03.8.2018. Further, the terms of compromise were registered with the Joint-1 Sub-Registrar, Ariyalur. The management of the subject temple was a subject matter of the said suit and in the compromise among the parties, the management of the subject temple was assigned to the petitioner in item No.19 of A Schedule.

(v) The petitioner took efforts and made the chariot run on 12.5.2025 and performed Bhamotsavam for 10 days in respect of the subject temple. An extent of Hec. 3.85.0 in S.No.57/2C in Aminabath area, Ariyalur Town belonged to the family of the zamin. But the revenue



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records stood in the name of the temple. This property was acquired for construction of a combined District Court Complex in Ariyalur. When the petitioner applied for compensation, he was directed to get the permission of the respondent Department. After getting the permission, the compensation amount was arrived at. Later, the compensation amount was received by the respondent Department and it was deposited in the name of the temple in six fixed deposits for the benefit of the temple. According to the petitioner, the interest received from only Rs.1 Crore is being utilized for the management of the temple whereas the interest in respect of other deposits is also accruing.

(vi) Respondents 5 and 6 acted against the interest of the subject temple, which led to the filing of W.P.No.14140 of 2025 before this Court by the fifth respondent seeking a direction to the Principal Secretary to Government of Tamil Nadu and the Joint Commissioner of the respondent Department to consider her representation dated 14.3.2025 to take action against the petitioner for the illegalities committed and to direct the Joint Commissioner and the Assistant Commissioner of the respondent Department and also the Executive Officer of the subject temple to



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constitute a committee for conducting the car festival on 11.5.2025. This writ petition was disposed of on 21.4.2025 by directing the petitioner to approach the Joint Commissioner of the respondent Department under Section 63 of the Hindu Religious and Charitable Endowments Act, 1959, if she has any such customary right. But, the petitioner was not aware of the said order passed by this Court.

(vii) Pursuant to that, at the instance of respondents 5 and 6, the fourth respondent sent a communication dated 24.4.2025 to the petitioner stating that the petitioner should obtain the consent third respondent for all expenditure. On the very next day, the petitioner sent a reply dated 25.4.2025 to the fourth respondent by giving all the particulars. The fourth respondent has no jurisdiction nor has powers to take a decision. It is relevant to point out that even in the communication dated 24.4.2025, there was no reference to the order passed in W.P.No.14140 of 2025.

(viii) Subsequently, the Brahmotasavam was performed with the support of the public at large. Respondents 5 and 6 could not tolerate this and hence, the fifth respondent sent a petition to the second respondent and it was received on 02.6.2025. Pursuant to that, the second respondent



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sent the communication dated 09.6.2025 to the petitioner to appear for the enquiry that was proposed to be conducted on 23.6.2025. When the respondent Department declared the petitioner as the parambarai dharmakartha and recognized the temple as the private temple, the respondent Department has no jurisdiction to exercise control over the temple or its affairs. Hence, the petitioner is before this Court challenging the proceedings of both the second respondent as well as the fourth respondent.

4. The third respondent filed a counter affidavit for himself and on behalf of respondents 1, 2 and 4 wherein it has been stated as follows:

(i) As against the proceedings of the fourth respondent dated 24.4.2025, the petitioner has an alternative remedy of filing either an appeal under Section 21(A) of the Act before the second respondent or a revision under Section 21 of the Act before the first respondent. When there is availability of an effective and alternative remedy, a writ will not lie.

(ii) Admittedly, the proceedings of the second respondent dated



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09.6.2025 is a notice of hearing and it cannot be challenged before a court of law. The writ petition is premature as the petitioner has challenged the notice of hearing. The petitioner has to appear for the enquiry along with required documents.

(iii) The subject temple is a public temple and is coming under the control of the respondent Department. Vide proceedings dated 05.6.1975 issued by the Assistant Commissioner of the respondent Department, the administration of the subject temple was brought under the purview of the respondent Department and vide proceedings dated 02.7.1976 issued by the Joint Commissioner of the respondent Department, Trichy, the senior paternal uncle of the petitioner was declared as the hereditary trustee and later, vide proceedings dated 18.10.2007 issued by the Joint Commissioner of the respondent Department, Trichy, the petitioner was declared as the hereditary trustee.

(iv) The compensation of Rs.7,88,39,516/- was received and was deposited in the name of the temple. Further, vide proceedings of the Assistant Commissioner of the respondent Department, the accounts of the temple are being audited every month. Vide proceedings dated



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31.7.2024, administrative sanction and assessment approval were obtained from the first respondent for carrying out the renovation work of the chariot. Further, the renovation work of the chariot was over on 07.4.2025 after receiving necessary approval from all concerned.

(v) Several complaints have been received against the malfunctioning of the petitioner. That is why the fourth respondent sent the communication dated 24.4.2025 to the petitioner. Pursuant to the proceedings dated 09.6.2025, the petitioner has to appear before the second respondent and participate in the enquiry. Just to avoid appearing before the second respondent, the petitioner filed this writ petition. Ultimately, they sought to dismiss the writ petition.

5. This Court has carefully considered the submissions of the respective learned counsel appearing on either side and perused the materials available on record and more particularly the impugned orders.

6. When an alternative remedy is available as against the proceedings of the fourth respondent dated 24.4.2025, the petitioner has to



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exhaust it before approaching this Court. Without exhausting the alternative remedy, a writ will not lie. Further, as rightly contended by the respondent Department, the proceedings dated 09.6.2025 is a notice of hearing issued by the second respondent directing the petitioner, the fourth respondent and the fifth respondent to appear for the enquiry. Only due to the pendency of this writ petition, the second respondent could not proceed further though the date was fixed for appearance and enquiry. Therefore, the impugned proceedings dated 09.6.2025 issued by the second respondent need not be quashed and it is proper for this Court to direct the petitioner to appear before the second respondent for the enquiry.

7. Accordingly, the writ petition is disposed of with a direction to the second respondent to fix a date for hearing and intimate the same well in advance to all the parties concerned. On receipt of such notice of hearing, the petitioner is directed to appear before the second respondent without fail to put forth his case. It is made clear that the second respondent shall pass appropriate orders after providing an opportunity of



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hearing to the petitioner and the fifth respondent within a period of six weeks from the date of receipt of a copy of this order. No costs.

Consequently, the connected WMP is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

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Thousand Lights West, Nungambakkam,
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M.DHANDAPANI, J.

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