



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 29385 of 2025
and W.M.P.No.32926 of 2025**

P.Ponnusamy

..Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai- 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem- 636 001.
3. The Inspector,
Hindu Religious and Charitable
Endowment Department,
Mettur Taluk, Salem.
4. S.Rajagopal

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the second respondent i.e. Joint Commissioner, Hindu Religious and Charitable Endowment Department, Salem to pass an order in O.Mu.No.9505/2023/E2/dated 22.09.2023, appointing the petitioner and his brothers as the Hereditary Trustees of the Temple namely Arulmigu Sri Siddeswarar Thirukoil, Palamalai, Mettur Salem District as per the Judgement and Decree passed in O.S.No.216/1989 dated 13.08.1992 on the file of the Sub-Court, Sankari, Salem District, by considering the petitioner's representation dated 08.07.2025, within a stipulated time fixed by this Court.



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For Petitioner:

Mr.N.Vijaya Basker for M/s.Law Vision

For Respondents:

Mr.S.Ravichandran

Additional Government Pleader for R1 to R3

Mr.R.Rajarajan for R4

ORDER

The writ petition is filed directing the second respondent i.e. Joint Commissioner, Hindu Religious and Charitable Endowment Department, Salem to appoint the petitioner and his brothers as hereditary trustees of the temple, namely Arulmigu Sri Siddeswarar Thirukoil, Palamalai, Mettur, Salem District as per the Judgement and Decree passed in O.S.No.216 of 1989 dated 13.08.1992 on the file of the Sub-Court, Sankari, Salem District, by considering the petitioner's representation dated 08.07.2025.

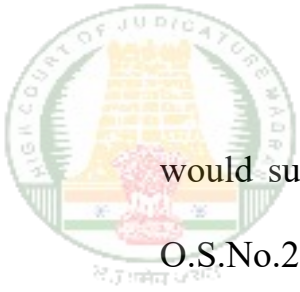
2. Upon hearing the learned counsel appearing for the petitioner and perusing the material records of the case, it can be seen that when the family members were claiming hereditary trusteeship in respect of the said temple and earlier the hereditary trusteeship of the family had been approved by orders in O.A.No.9 of 1951, since disputes arose between the family members, as many as four civil suits came to be filed in O.S.Nos.23 of 1981, 37 of 1981, 169 of 1981, 282 of 1981 and 726 of 1981 before the Munsif Court, Mettur, Salem District and common judgment and decree were passed on 24.05.1984 in favour of the petitioner and his brothers. Aggrieved parties preferred A.S. No.87 of 1985 and A.S. No.88 of 1985 before the Subordinate Judge, Sankari, Salem.



Pending the appeal suit, the parties compromised the issue and a memo of compromise was recorded and the suit was decreed based on the compromise, in which the parties agreed that the temple administration would be on a rotational basis. Thereafter, the petitioner and his brothers, who were minors at that time, upon attaining majority filed O.S.No.216 of 1989 to wriggle out of the compromise and to declare themselves as the hereditary trustees of the said temple and also for a permanent injunction restraining the defendants from interfering with their rights. It is seen that the said suit came to be decreed on 13.08.1992. Therefore, by virtue of the said decree, the Hindu Religious and Charitable Endowments Department can no longer appoint hereditary trustees on a rotational basis, but only recognise the petitioner and his brothers as the hereditary trustees.

3. Per contra, the learned Additional Government Pleader appearing on behalf of the first to third respondents would submit that the representation of the petitioner has been considered in detail and an order has been passed on 28.08.2026, since the earlier order in O.A.No.9 of 1951 was there and thereafter an arrangement was made by way of compromise decree in A.S. No.87 of 1985 and A.S. No.88 of 1985. The trusteeship can only be on rotational basis now the petitioner cannot unilaterally claim trusteeship solely for them.

4. The learned counsel appearing on behalf of the fourth respondent



would submit that it is true that the suit was filed by the petitioner herein in O.S.No.216 of 1989, however the same has not become final. The fourth respondent has again filed O.S.No.74 of 2000 which was dismissed by the trial Court dated 25.06.2002. As against which, A.S.No.89 of 2002 was filed which was also came to be dismissed on 03.11.2006. As against which, second appeal in S.A.No.360 of 2008 was filed. He would submit that the earlier counsel who was appearing in the matter allowed the second appeal to be dismissed for default and therefore, they have already taken steps to restore the second appeal to file.

5. I have considered the rival submissions made on either side and perused the medical records of the case.

6. It is not the case of the department that the temple is not governed by the hereditary trusteeship. They have chosen to file repeated civil suits between themselves declaring the right. As on date, the right is declared in favour of the petitioner and his brothers. It is true that the rival suit is filed by the fourth respondent and the second appeal was only dismissed for default. It is made clear that if the second appeal is restored to file and if any order is passed in the second appeal, from then onwards the rights of the parties will be governed by the said order that would be passed in the second appeal. As the judgement and decree of the civil Court in O.S.No.216 of 1989 has become final, even though



the Hindu Religious and Charitable Endowments authorities are not parties to the suit, considering the specific facts and circumstances of the case that from the beginning, the members of the family have chosen to file *inter se* suits to determine the rights and even the present rotational trusteeship is granted only as per the compromise decree entered into in A.S.No.87 and 88 of 1985, I am of the view that the first and second respondents shall go by the decree of the civil Court.

7. In view thereof, this writ petition is **ordered** on the following terms:

The second respondent shall declare the petitioner and his brothers as the hereditary trustee in respect of the Arulmigu Sri Siddeswarar Thirukoil, Palamalai, Mettur, Salem District; however the said decision will be the subject to the final outcome in Second Appeal No.360 of 2008, as and when the fourth respondent is able to restore the second appeal and if any orders have been passed in their favour, then accordingly the trusteeship shall be determined by the second respondent. Consequently, connected miscellaneous petition is closed. No costs.

26-02-2026

Neutral Citation: Yes/No

NSL



To

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Hindu Religious and Charitable
Endowment Department,
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2. The Joint Commissioner,
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Endowment Department,
Salem- 636 001.

3. The Inspector,
Hindu Religious and Charitable
Endowment Department,
Mettur Taluk, Salem.



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D.BHARATHA CHAKRAVARTHY, J.

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