



W.P.No.39591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.03.2026

CORAM :

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.39591 of 2024
and W.M.P.Nos.42873 and 42874 of 2024

K.Hariharan

.. Petitioner

Versus

1. The Commissioner,
Hindu Religious Charitable Endowment Department,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
A.K.Thangavelar Street,
Near Rangaswamy Kulam, Kancheepuram,
Kancheepuram District - 631 501.
3. The Assistant Commissioner, (Addl.I/c),
Hindu Religious Charitable Endowment Department,
Collector Office Campus, Kancheepuram District - 631 501.
4. The Thakkar/Executive Officer,
Hindu Religious Charitable Endowment Department,
A/m. Vazhakaruthiswarar Thirukovil,
Gandhi Road, Kancheepuram Town,
Kancheepuram Taluk,
Kancheepuram District - 631 501.

.. Respondents



W.P.No.39591 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records from the 3rd respondent and quashing the impugned appointment order, dated 06.09.2024 vide his proceedings in செ.மு.ந.க.எண்.4629/2010/அ3 passed by the 3rd respondent by appointing the Executive Officer, A/m.Vazhakaruthiswarar Thirukovil, Kancheepuram as “Thakkar” in respect of subject temple “Arulmigu Valamburi Vinayagar Thirukoil” situated at Walajabad town, Walajabad taluk, Kancheepuram district – 631 605 and quash the same.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader
(HR & CE)

ORDER

This Writ Petition is filed challenging the impugned order, dated 06.09.2024 passed by the third respondent appointing the Executive Officer, A/m.Vazhakaruthiswarar Thirukovil, Kancheepuram as “Thakkar” in respect of subject temple “Arulmigu Valamburi Vinayagar Thirukoil” situated at Walajabad town, Walajabad taluk, Kancheepuram district – 631 605, to quash the same.

2. It is the contention of the petitioner that the petitioner is the



W.P.No.39591 of 2024

President of Arulmigu Valamburi Vinayagar Aalaiya Thirupani Mandram situated at Walajabad town. The said Thirupani Mandram is registered under the Tamil Nadu Societies Registration Act, 1975. The petitioner, as the President of the temple, had formed the Mandram and has been maintaining proper accounts and ledger appropriately till date and the said Mandram is performing nithya poojas and other rituals. The lands comprised in Survey No.257 measuring 3.13 acres have been owned and possessed by the said temple and the same was entered in the A-Register and the village accounts.

3. While so, some third parties have entered the said temple without the knowledge and consent of the temple authorities namely, the petitioner. With regard to the said encroachment, the petitioner lodged a complaint with the concerned authority, which was forwarded to the Tahsildar, Walajabad. However, the same was forwarded to the third respondent, HR & CE Department. The third respondent sent a communication to the petitioner that the said temple does not come under the control of the HR & CE Department. In view of the above, the third respondent had arbitrarily appointed the fourth respondent as Thakkar (Fit Person) to the temple. Challenging the same, the present Writ Petition is



W.P.No.39591 of 2024

filed.

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4. Learned Counsel for the petitioner submits that more than a decade, the petitioner is maintaining the temple by performing the rituals and thereby, the respondents sent a notice to the petitioner by intimating the appointment of the Fit Person to the temple. However, the fit person is appointed without providing an opportunity to the petitioner. When the petitioner is in the helm of office, for the very same person, appointing the Fit Person is illegal. Accordingly, he prays for appropriate orders.

5. Per *contra*, learned Additional Government Pleader (HR & CE) for the respondents submits that the petitioner formed a society in the name of Valamburi Vinayagar Aalaiya Thirupani Mandram. The formation of the society will not entitle the petitioner to enjoy the entire property owned by the temple. The name itself stands in the name of the Valamburi Vinayagar and mere revenue records will not grant title in favour the petitioner. The title of the petitioner has to be decided only before the Civil Court or before the authority either under Section 63(a) or 63(b) of the Act. In the absence of the same, filing the present Writ Petition challenging the appointment of the Fit Person is not acceptable.



W.P.No.39591 of 2024

WEB COPY

6. Heard the learned Counsel on either side and perused the materials available on record.

7. As rightly submitted by the learned Additional Government Pleader (HR & CE) for the respondents, if the petitioner has any grievance with the appointment of the Fit Person, he has to approach the competent Civil Court or the concerned authority either under Section 63(a) or 63(b) of the Act. Without doing so, filing the present Writ Petition is not maintainable and the same is liable to be dismissed.

8. Accordingly, the Writ Petition stands dismissed with a liberty to the petitioner to approach a competent Civil Court or before the authority for appropriate remedy for appointment of Hereditary Trustee. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.03.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
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W.P.No.39591 of 2024

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