IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 02.12.2025	Order pronounced on : 09.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.No.43377 of 2025
& WMP.Nos.48551 & 48552 of 2025

Arulmigu Buvaneswari Ammal Temple,
Represented by its Managing Trustee
Nachiappan S/o.Subramanian,
Bharathidasan Colony,
K.K.Nagar, Chennai – 78. ... Petitioner

Vs.

1.The Assistant Commissioner – II,
Hindu Religious & Charitable Endowment Department,
Chennai – 600 034.

2.The Executive Officer,
Arulmigu Sakthi Vinayagar Temple,
K.K.Nagar, Chennai – 78. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings Se.Mu.Na.Ka.No.877/2025/B2 dated 16.06.2025 issued by the 1st respondent and to quash the same as illegal and no jurisdiction.

For Petitioner : Mr.R.M.Arun Swaminathan

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

ORDER

The writ petitioner challenges the proceedings in Si.Mu.Na.Ka.887/2025/B2 dated 16.06.2025 on the file of the 1st respondent.

2.I have heard Mr.R.M.Arun Swaminathan, learned counsel for the writ petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the respondents.

3.Mr.R.M.Arun Swaminathan, learned counsel appearing for the writ petitioner would submit that the residents of Welfare Association of Flats, promoted by the Tamil Nadu Housing Board, established the temple Arulmighu Bhuvaneswari Amman, along with shrines for Vinayagar, Subramaniar, Iyyappam, Sri Rama, Sita, Lakshmana, Hanuman, as well as Navagrahas. The Welfare Association was subsequently registered in the year 1991 under the name and style of Arulneri Narpani Mandram and the said Association also performed Kumbabishegam for the said temple in July

1986. The learned counsel for the petitioner would further contend that the temple has always been maintained and managed only by the said Association and they even moved the Joint Commissioner in O.A.No.14 of 2004 under Section 64(1) of the HR & CE Act, seeking for a scheme to be framed. On 02.08.2010, the Joint Commissioner framed a permanent scheme, which was also notified on 03.06.2011.

4.It is the contention of the learned counsel for the petitioner that ever since, the temple has been managed without any interference from the department. The learned counsel for the writ petitioner would further submit that the Board of Trustees had taken a decision to perform Kumbabishekan and started preparatory works in advance. However, to their shock, the Hon'ble Minister for the HR & CE Department had announced on the Assembly Floor in the Budge speech for the year 2025-2026 that Kumbabishekan would be performed for the petitioner temple. The learned counsel for the petitioner would also submit that such announcement was unilateral, arbitrary and without even consulting the Board of Trustees, who have already, in fact, taken preparatory steps to perform the Kumbabishekam.

5.The learned counsel for the petitioner would further state that the Board of Trustees never approached the Department or the Government for that matter, seeking funds and even on earlier occasion, the temple Kumbabishekam was performed only out of the donations and funds of the residents of the Welfare Association, with no Government aid whatsoever. In such circumstances, the learned counsel for the petitioner states that the impugned proceedings, appointing a fit person to the petitioner temple is without jurisdiction and unconstitutional.

6.The petitioner challenges the impugned proceedings on the grounds that it was firstly without notice to the Board of Trustees and secondly, there is no allegation of mismanagement or maladministration, which is a prerequisite for appointment of a fit person. He also states that the Kumbabishegam being a sacred consecration ritual which is usually performed once in every 12 years, a very auspicious date has to be selected, taking into account various factors and already the Board of Trustees have consulted reputed astrologers and they have suggested 31.08.2026 or 04.11.2026 to be the best and most suited dates for performing the

Kumbabishegam. He would therefore pray for the writ petition to be allowed.

7.Per contra, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents would submit that a fit person has been appointed only in view of the delay occasioned in performing the Kumbabishegam. He would further submit that the last Kumbabishegam was performed in 2013 and already 12 years have lapsed and therefore, the Hon'ble Minister for the HR & CE Department has made an announcement that Government would provide funds for performing the Kumababishegam for the petitioner temple. He would also bring to my notice that a sum of Rs.21 lakhs has been sanctioned by the Ministry for this specific purpose.

8.The learned Special Government Pleader would further state that the petitioners are not contemplating any major reconstruction work and the requisite works are minor in nature and it would not take too long to be completed. He would further state that the respondents have got the nod for performing the Kumbabishegam even in March 2026. He would therefore state that when the Board of Trustees had not taken diligent steps to perform

Kumbabishegam within 12 years, there is no error committed by the 1st respondent in passing the impugned order, appointing the 2nd respondent as the fit person. He would therefore pray for the writ petition being dismissed.

9.I have carefully considered the submissions advanced by the learned counsel on either side.

10.Admittedly, the Joint Commissioner has framed a permanent scheme for the management of the petitioner temple. The temple is being administered by five non-hereditary trustees, ever since the scheme was framed in 2010. It is not in dispute that even prior to the framing the scheme, the first Kumbabishegam of the temple was performed on 14.07.1986 by the local residents who have formed a Welfare Association. It is also an admitted fact that the Board of Trustees had performed Kumbabishekam last, in the year 2013. No doubt, in normal circumstances and customary practice, Kumbabishegam is performed once every 12 years. However, it is not a hard and fast rule that Kumbabishekam has to be performed once in every 12 years. Judicial notice can be taken that in several instances, Kumbabishegams were not performed decades together.

Therefore, the ground that Kumbabishegam has not been performed within 12 years, in the absence of any mismanagement, does not warrant appointment of a fit person.

11.A fit person can be appointed under Section 49 of the Act only when the authority is satisfied that the temple has not been properly managed by the Board of Trustees. Even in such circumstances, the Board of Trustees are entitled to an opportunity of hearing. The law in this regard is fairly well settled. A fit person cannot be appointed, without hearing the Board of Trustees, who are admittedly in management of the temple. Violation of the mandate of hearing the Board of Trustees before appointing a fit person has been come down heavily by this Court in *Sri Devi Ellamman Paripalana Sangam vs. The Assistant Commissioner, Hindu Religious and Charitable Endowment Board*, reported *2010 2 CWC 915* and in *P.R. Thirupathy and Others Vs. The Commissioner, Hindu Religious & Charitable Endowment, Nungambakkam High Court, Chennai-34 and Others*, reported in *2015 4 CTC 755*. Therefore, from both angles, firstly, there being no allegation of mismanagement or maladministration, there was no necessity in the first place to appoint a fit person and secondly, when the Board of Trustees have not been put on notice before such appointment, the order appointing fit person is clearly unsustainable in the eye of law.

12.Even though it is contended by Mr.N.R.R.Arun Nataran, learned Special Government Pleader that the limited purpose for which the fit person has been appointed is only to ensure performance of the Kumbabishekam at the earliest, I am unable to countenance the said argument of the learned Special Government Pleader. It is not a case where the Board of Trustees of the petitioner temple have totally abandoned their obligations to perform the Kumbabishegam. Admittedly, they have already taken steps and they have also got auspicious dates fixed. Merely because the dates which are suggested by the petitioner are not in the near future, it cannot be a ground to appoint a fit person.

13.The photographs that have been enclosed along with the typed set of papers filed by the writ petitioner clearly show that the temple is well maintained and steps with regard to performance of the Kumbabishegam have also been taken in right earnest. The writ petitioner has also stated that a Stapathi has already been appointed and the religious prefatory steps have been taken in right earnest. Though the petitioner has initially stated that the Kumbabishegam would be performed on or before 01.04.2027, at the subsequent hearing, post the filing of an undertaking affidavit, the learned counsel for the petitioner stated that though the trustees have again consulted Agama experts and have now decided to perform Kumbabishegam on or before 31.08.2026. I do not see the said request to be unreasonable or unfair and certainly, the delay in performing the Kumbabishegam cannot be a ground on which the Department can appoint a fit person.

14.Further, as already discussed, the Board of Trustees have not been put on notice, before such appointment of a fit person and even the announcement in the Floor of the Assembly was unilateral and without even consulting the Board of Trustees. Therefore, the same cannot bind the Board of Trustees of the petitioner temple in any manner. In such circumstances, the order appointing the fit person is clearly unsustainable and has to be necessarily set aside.

15.In view of the above, the Writ Petition is allowed and the impugned proceedings in Se.Mu.Na.Ka.No.877/2025/B2 dated 16.06.2025 issued by the 1st respondent is quashed. No costs. Connected Writ Miscellaneous Petitions are closed.

09.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To

1.The Assistant Commissioner – II,
Hindu Religious & Charitable Endowment Department,
Chennai – 600 034.

2.The Executive Officer,
Arulmigu Sakthi Vinayagar Temple,
K.K.Nagar, Chennai – 78.

P.B. BALAJI,J.

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Pre-delivery order made in

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