



W.P.(MD)No.1639 of 2026

WEB CO **BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT**

DATED: 23.01.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.1639 of 2026

and

W.M.P.(MD)No.1307 of 2026

G.Baskar

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thoothukudi.

2.The Executive Officer,
Arulmigu Kasiviswanathaswamy Temple,
Tenkasi,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in



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Na.Ka.No.1731/2023/A2 dated 05.12.2025 and quash the same as

WEB CO illegal.

For Petitioner : Mr.R.J.Karthick

For Respondent No.1 : Mr.K.Balasubramani,

Special Government Pleader

For Respondent No.2 : Mr.VR.Shanmuganathan

ORDER

Challenge has been made against the impugned order of removal of the petitioner from the trusteeship passed by the first respondent in Na.Ka.No.1731/2023/A2 dated 05.12.2025.

2.With the consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned Counsel for the petitioner would submit that the petitioner got elected as the Chairman of the Board of Trustees of Arulmigu Melamutharamman Temple on 10.10.2024. Thereafter, for administrative reasons, initially a show cause notice dated 17.10.2025 was issued to the petitioner for removing him from the



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post of Chairman. The petitioner also submitted his explanation to the first respondent. However, without considering the explanation submitted by the petitioner, the impugned order of removal of the petitioner from the post of Chairman came to be passed by the first respondent vide order dated 05.12.2025. Hence, the petitioner has come up with the present Writ Petition.

4.Learned Counsel for the petitioner further submitted that though a show cause notice has been issued, the first respondent has passed the impugned order without following any procedure and without framing any charges. Hence, he prays this Court to set aside the impugned order.

5.Learned Special Government Pleader appearing for the first respondent would fairly admits that the impugned order has been passed without framing any charges against the petitioner and therefore, prays this Court to set aside the same and remit the matter back to the first respondent for fresh consideration.

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



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7.A perusal of the impugned order clearly shows that the order of removal of the petitioner from the post of Chairman has been passed without framing any charges and without following the due procedures contemplated under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Section 53 (3) of the HR & CE Act reads as follows:

“53(3) When it is proposed to take action under sub-section (2), the appropriate authority shall frame charges against the trustee concerned and give him an opportunity of meeting such charges, of testing the evidence adduced against him and of adducing evidence in his favour ; and the order of suspension, removal or dismissal shall state the charges framed against the trustee, his explanation and the finding on each charge with reasons therefor.”

8.A reading of the above would clearly shows that framing of charges is of foremost importance. Hence, the first respondent has violated the provisions of the Act and therefore, the impugned order is liable to be set aside.



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9. Accordingly, this Writ Petition is allowed and the impugned order of the first respondent dated 05.12.2025 is set aside and the matter is remanded back to the first respondent for fresh consideration in accordance with law. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23.01.2026

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

MR



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To

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2.The Executive Officer,
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KRISHNAN RAMASAMY, J.

MR

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