



W.P.(MD).No.5734 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.5734 of 2026

and

W.M.P(MD)Nos.4772 and 4773 of 2026

Kothandaram

... Petitioner

Vs.

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

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.

3. The Executive Officer, (I/C),
Shri Balakrishnasamy Kovil Welfare Trust,
Nachiyarpatti Village,
Rep. through the Executive Officer,
Arulmigu Naachiyar Aandal Thirukovil,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned order in Se.Mu.Na.Ka.No.7634/2024/A1 dated 10.12.2024, quash the same as illegal and unconstitutional, and consequently direct the Respondents to recognize the petitioners family's hereditary right to



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manage the Shri Balakrishnasamy Koil Welfare Trust, Nachiyarpatti on the basis of the petitioner Representation dated 25.01.2026 and and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.P.M.Vishnu Varthanan

For R1 and R2 : Mr.J.K.Jayaselan
Government Advocate

For R3 : Mr.M.Kannan

ORDER

The writ petition is filed for a certiorarified mandamus to challenge the impugned order dated 10.12.2024 and quash the same and consequently direct the respondent to recognize the petitioner's family's hereditary right to manage the Shri Balakrishnasamy Koil Welfare Trust, Nachiyarpatti, based on the petitioner's representation dated 25.01.2026.

2. Heard Mr.P.M.Vishnu Varthanan, learned counsel for petitioner, Mr.J.K.Jayaselan, learned Government Advocate for R1 and R2 and Mr.M.Kannan, learned counsel for R3.



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3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

4. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, it is the contention of the petitioner that the said temple is a private temple and the members of the petitioner's family have been hereditarily managing the affairs of the temple and therefore, they are entitled to be recognized as the hereditary trustees of the said temple.

5. If it is the contention of the petitioner that the temple is a private temple, then unless there is a declaration by the appropriate Civil Court to the effect, the temple cannot be deemed to be a private temple and it will be open for the petitioner to approach the competent Civil Court to get the temple declared as a private temple.

6. If it is the contention of the petitioner that he can be recognized as a hereditary trustee, then it will be open for him to file an application under Section 63 and 54 of the Tamil Nadu Hindu Religious



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and Charitable Endowment Act, 1959 before the 1st respondent and as and when such an application is filed, the same shall be disposed of in the manner known to law as expeditiously as possible.

7. With such liberty is granted to the petitioner presently when there is neither a Civil Court decree nor a declaration that the petitioner is a hereditary trustee, the appointment of 'Fit Person' to take care of the temple cannot be interfered with. However, it is open to the petitioner to move any such interim relief either in the suit or before the application to recognize him as a hereditarily trustee and the same shall be considered by the appropriate authority.

8. The writ petition is disposed of with the above observations.
No costs. Consequently, connected miscellaneous petitions are closed.

02.03.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
rgm



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