BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.03.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.6012 of 2026
and
W.M.P(MD)No.5054 of 2026

K.S.Kannan ... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Plot No.49, M.R.S.Nagar,
Mullipadi Village,
Seelapadi Post,
Dindigul,
Dindigul District.

2.The Inspector
Hindu Religious and Charitable Endowments Department,
Theni,
Office at Office of Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.6-2-1, T.B.N.Road,
Palanichettipatti,
Theni District.

3.The Executive Officer,
Arulmigu Suyambu Saneeshwara Bhagavan Temple,
Kuchanoor,
Uthamapalayam Taluk,
Theni District. ...Respondents

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Ceriorari, calling for the records of the impugned order passed by the first respondent in his proceedings in Se.Mu.Na.Ka.No. 205/2026/Aa1 dated 28.01.2026 issued to the petitioner and to quash the same as illegal.

For Petitioner	:Dr.C.Guhaseelarupan
For R1 to R3	:Mr.J.K.Jayaselan Government Advocate

ORDER

This writ petition is filed challenging the impugned order dated 28.01.2026. By the impugned order, a fit person is appointed in respect of Arulmigu Venkatesa Perumal Thirukoil, Kuchanur village.

2.The grievance of the petitioner is that the father of the petitioner along with two other persons were already declared as hereditary trustees. Upon the death of the father, the petitioner has already become the hereditary trustee. The only procedural formality is that the respondents have to recognize the petitioner as the hereditary trustee. Under the said circumstances, when the petitioner is taking care of the temple and administering the temple suddenly without any opportunity whatsoever, by the impugned order a fit person is appointed. The only reason that is mentioned in the impugned order is with reference to the management of the temple lands. As far as the lands are concerned, the same is service Inam lands to the landholders and they are doing service to the temple.

3.Per Contra, the learned Additional Government Pleader taking notice on behalf of the respondents would submit that the petitioner has not even filed any application to recognize him as hereditary trustee. The learned Additional Government Pleader would further submit that the temple lands are being mismanaged, that arose need to appoint a fit person to manage the affairs of the temple.

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

5.The law is now well settled that with reference to the hereditary Trusteeship, the office of the Hereditary Trusteeship befalls on the petitioner upon the death of his father. It is only a formal recognition that has to be mentioned by the respondent authorities.

6.Under the said circumstances, the petitioner can very well file an application under Section 54 of the Hindu Religious and Charitable Endowments Act 1959, the same shall be considered by the respondent authorities and along with the petitioner, if any other person has also to be recognized as hereditary trustee, the same can also be recognized. With reference to the lands in question, the Assistant Commissioner can conduct an inquiry and the petitioner can place all records and the property of the temple can be safeguarded in accordance with law. The petitioner, who claims to be the hereditary trustee, shall cooperate for the enquiry. With reference to the appointment of a fit person, since there is no other allegation of maladministration or mismanagement and no opportunity being given to the petitioner being the hereditary trustee, the same cannot stand.

7.In view thereof, this writ petition is disposed of on the following terms:

(i)Within a period of two weeks from the date of receipt of the web copy of the order, the petitioner shall make an application under section 54of the Act to recognize him as the hereditary trustee.

(ii)As and when the application is filed, the same shall be taken up for inquiry by issuing notice to the petitioner and such other person who may be interested in respect of the temple and final orders be passed, within a period of four months therefrom.

(iii)In the meanwhile, the impugned order dated 28.01.2026 shall stand set aside and the petitioner shall continue to be the management of the affairs of the temple along with any other person who may claim so, as this Court is not considering as to who are all in the de-facto management of the temple as on date.

(iii)With reference to the lands of the temple in question, the 1st respondent shall conduct an inquiry. The petitioner and other persons who are in occupation of the land shall appear before the 1st respondent and the first respondent shall ensure that the temple property is intact and whether the occupation is authorized in accordance with law and whether any rent has to be collected from the occupants or whether any eviction proceedings have to be initiated. Such enquiry shall be proceeded and orders be passed in accordance with law, as expeditiously as possible. It is for the Joint Commissioner to decide the question whether the petitioner being in occupation of the property will also be entitled for trusteeship and also the nature of his occupation. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2026

NCC:Yes/No
Ns

D.BHARATHA CHAKRAVARTHY, J.

Ns

To
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