



W.P.(MD).No.6376 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11-03-2026
CORAM
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.6376 of 2026
and
W.M.P(MD).Nos.5298 and 5299 of 2026

Pon Rathina

... Petitioner

Vs.

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli West,
Tirunelveli.

2. The Executive Officer,
Arulmigu Venkatachalapathy Thirukovil,
Melathiruvengadanathapuram,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order in Na.Ka.No.6555/2024/E1 dated 21.01.2026 on the file of 1st respondent and consequential impugned notice dated 18.02.2026 on the file of the 2nd respondent and quash the same 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.



W.P.(MD).No.6376 of 2026

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.J.K.Jayaseelan
Government Advocate

ORDER

The writ petition is filed for a certiorarified mandamus to call for the records relating to the impugned order dated 21.01.2026 on the file of the 1st respondent and consequential impugned notice dated 18.02.2026.

2. Upon hearing the learned counsel for the petitioner and upon perusal of the impugned order, it is seen that a Fit Person has been appointed in respect of the Samadhi of Nithyanandhaswamy and the petitioner has been directed to hand over charge. In the affidavit filed along with the writ petition, the petitioner had originally taken a stand that the Samadhi in question is a private Samadhi and that the Department has no authority to appoint a Fit Person.

3. This Court enquired whether the petitioner would be willing to give up the said stand in order to entertain the writ petition.



W.P.(MD).No.6376 of 2026

WEB COPY

4. Today, an affidavit has been filed by the petitioner, wherein it is specifically stated that she is not pressing her claim that the temple/sannadhi is private in nature and has consented to the temple/sannadhi being treated as a public temple in accordance with the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the same is recorded.

5. Once the temple is a public temple, then since the petitioner claims the right as a hereditary trustee, it will be open for the petitioner to file an application under Section 63(b) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Tirunelveli and as and when the same is filed, the same shall be considered on merits and in accordance with law and shall be disposed of within a period of four months from the date of filing of the application.

6. In the meanwhile, by the impugned orders, the respondents themselves have recognized the petitioner as the de facto person in charge of the institution, and since no other proven charges have been



W.P.(MD).No.6376 of 2026

alleged warranting the appointment of a Fit Person, I am of the view that the impugned order dated 21.01.2026 shall be kept in abeyance.

However, if any accounts are called for by the first respondent/Assistant Commissioner, the same shall be periodically submitted by the petitioner .

7. In view thereof, this writ petition is ordered on the following terms:-

- i. The petitioner agrees that the temple namely Sri Nithyanandhaswamigal Ponnambalaswamigal Temple at Korangu Mada Theru, Puthupettai, Tirunelveli District shall be treated as a public temple.
- ii. Since it is a public temple, every public who wants to visit the temple has to be allowed.
- iii. If the petitioner wishes to be a hereditary trustee of the said temple, he shall file an application under Section 63(b) of the HR & CE Act, before the Joint Commissioner, Tirunelveli, within a period of two weeks from the date of receipt of a web copy of the order.
- iv. As and when such application is filed, the respondent shall consider the same and pass appropriate orders within a period of



W.P.(MD).No.6376 of 2026

WEB COPY

four months therefrom, after issuing notice to the petitioner as well as interested parties, if any, during the course of enquiry until final orders are passed.

- v. The impugned order appointing a Fit Person, along with the consequential order, shall be kept in abeyance. However, this is subject to the condition that the 2nd respondent shall have the right to inspect the temple, and the petitioner shall furnish accounts as and when called for by the 2nd respondent.
- vi. Needless to say, the parties will be governed by the final orders passed on the application submitted by the petitioner.

11.03.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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W.P.(MD).No.6376 of 2026

D.BHARATHA CHAKRAVARTHY, J.

rgm

To

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Tirunelveli West,
Tirunelveli.
2. The Executive Officer,
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