BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.7210 of 2026
and
W.M.P(MD).No.5899 of 2026

R.Mohandoss ... 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

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records of the impugned order passed by the 1st respondent in his proceedings Se.Mu.Na.Ka.No.204/2026/Aa1 dated 28.01.2026 issued to the petitioner and quash the same as illegal and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner	:	Dr.C.Guhaseelarupan
For Respondents	:	Mr.M.Sarangan Additional Government Pleader

ORDER

The writ petition is filed challenging the impugned order dated 28.01.2026 and quash the same.

2. Heard Mr.Dr.C.Guhaseelarupan, learned counsel appearing for the petitioner and Mr.M.Sarangan, learned Additional Government Pleader appearing on behalf of the respondents.

3. By the impugned order dated 28.01.2026, a 'Fit Person' was appointed to take care of the management of Arulmigu Suyambu Saneeshwara Bhagavan Temple, Kuchanoor, Uthamapalayam Taluk, Theni District.

4. The learned counsel appearing for the petitioner would submit that the petitioner is the hereditary trustee of the said temple. Prior to the petitioner, the petitioner's father and brother were the hereditary trustees. It is the petitioner's case that he is entitled to be recognized as the hereditary trustee. Without any allegation or affording any opportunity, the impugned order has been passed, despite the petitioner managing the temple without any proven misconduct. Therefore, he cannot be removed from the management of the temple.

5. The petitioner has expressed his willingness to file an application under Section 54 of the (HR & CE) Act, 1959, for recognition as a hereditary trustee, and until such time, he should not be removed from the management of the temple.

6. In reply, the learned Additional Government Pleader, taking notice on behalf of the respondents, would submit that the temple property has already been alienated, and therefore, an enquiry is required in this regard. Only if the petitioner is found to have no role in the alleged transaction he can be recognized as a hereditary trustee and permitted to continue in management.

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

8. It may be true that if a hereditary trustee indulges in mismanagement, appropriate action must follow. However, the alleged act of mismanagement by an erstwhile hereditary trustee cannot automatically be attributed to the petitioner. If the petitioner is willing to take steps to restore the alienated property to the temple, it is open to him to file an application under Section 54 of the (HR & CE) Act, 1959, seeking recognition as a hereditary trustee. Upon such application being filed, the respondent shall consider the same on its own merits and in accordance with law and pass appropriate orders regarding such recognition.

9. Ordinarily, in the absence of any proven allegation, this Court would have set aside the order appointing a 'Fit Person' and permitted the petitioner to continue in the management of the temple.

10. However, in the present case, it is seen that property dedicated to the temple by the petitioner's own family members has subsequently been alienated by members of the same family, allegedly without the permission of the competent authorities. Therefore, an enquiry into the said alienation is necessary.

11. The 1st respondent, namely the Joint Commissioner, shall conduct an enquiry with respect to the said alienation and pass orders in accordance with law. If the alienation is found to have been made without approval, appropriate orders shall be passed, including necessary action against the purchaser and steps shall be taken to restore the property to the temple.

12. It is needless to state that all concerned parties shall be afforded an opportunity of hearing before any decision is taken. The

petitioner shall also be heard in the enquiry relating to the alienation, as well as in the proceedings concerning recognition of hereditary trusteeship.

13. At this stage, particularly in view of the alleged alienation of temple property, I am not inclined to set aside the order appointing a 'Fit Person'. However, it is made clear that if the petitioner is subsequently recognized as a hereditary trustee and it is found that he has no involvement in the alleged alienation, the appointment of the 'Fit Person' shall automatically come to an end and the petitioner shall be entrusted with the management of the temple.

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

i. The petitioner shall file an application under Section 54 of the (HR & CE) Act, 1959, for recognizing himself as the hereditary trustee of the temple, within a period of two weeks from the date of receipt of the web copy of the order;

ii. The 1st respondent shall consider the said application and simultaneously undertake the enquiry with reference to the alienation of the temple property. The enquiry shall be completed, in accordance with law, within a period of twenty weeks from the date of receipt of a web copy of this order.

iii. Depending on the ultimate orders that are passed, the appointment of the 'Fit Person' shall continue or come to an end as per the order that are passed on merits in the enquiry relating to the immovable property as well as the enquiry relating to recognition of the petitioner as the hereditary trustee.

iv. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2026

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

D.BHARATHA CHAKRAVARTHY, J.

rgm

To

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   Hindu Religious and Charitable Endowments Department,
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