



W.P.(MD)No.11408 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Arulmighu Senthatti Ayyanar
Muthaia Swamy Thirukoil
Kula Theivega Valipaduvoor Arakattalai
Rep. by its Founder Trustee R.Muthaiah
Keela Marainadu Village,
Sivakasi Taluk,
Virudhunagar District.

.. Petitioner

- Vs. -

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

2.The Executive Officer,
Arulmighu Vishavanatha Swamy Thirukkivil,
I/c, Special Officer,
Arulmighu Senthatti Ayyanar Thirukovil,
Keelanmarainadu Village,
Sivakasi Taluk,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the continuance of the Special Officer/Executive Officer pursuant to the proceedings of the first respondent in Na.Ka.No.326/2015/A3 dated 14.02.2015 is illegal, arbitrary,



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without jurisdiction and contrary to the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the Tamil Nadu Hindu Religious Institutions (Appointment of Executive Officers) Rules, 2015, and violative of Articles 25 and 26 of the Constitution of India, and consequently, to declare the said proceedings as null and void in the light of the law laid down by the Hon'ble Supreme Court in Dr.Subramanian Swamy Vs. State of Tamil Nadu reported in (2014) 5 SCC 75, and consequently direct the respondents to hand over the administration of Arulmigu Senthatti Ayyanar Muthaiah Swamy Thirukoil situated at Keelanmarainadu Village, Sivakasi Taluk, Virudhunagar District to the petitioner trust and further direct the respondents to frame an appropriate scheme for the administration of the said temple by constituting a Board of Trustees comprising members of the petitioner trust within such time as may be fixed by this Court.

For Petitioner : Mr.VR.Shanmuganathan
for Mr.A.L.Kannan

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1

Mr.P.Mahendran
Standing Counsel for R2

ORDER

The Writ Petition is filed for a declaration declaring the impugned order, dated 14.02.2015, is illegal and for the consequential relief to frame a scheme for administering the temple by constituting a Board.



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2. The learned counsel appearing on behalf of the petitioner would submit that the order dated 14.02.2015 was passed on account of the emergent situation prevailing there, appointing a Special Officer to conduct the Sivarathiri festival. Eventhough the petitioner had challenged the same and was unsuccessful, the respondents cannot continue the administration of the temple eternally by the Executive Officer alone without constituting the Board of Trust for the administration of the temple. As per the Judgment of the Hon'ble Supreme Court of India in ***Dr.Subramanian Swamy Vs. State of Tamil Nadu*** reported in ***(2014) 5 SCC 75***, unless special circumstances exist as per the Rules, the Executive Officer cannot man the temple. Therefore, the petitioner has come up by way of the present writ petition.

3. The learned Additional Government Pleader taking notice on behalf of the first respondent would submit that if appropriate time is given, considering the temple as a non-listed temple, an invitation will be published and as per the Act and the Rules framed thereunder, the trustees will be appointed generally from among all the devotees, including by following the rule of reservation.

4. The learned Standing Counsel appearing on behalf of the second respondent temple would submit that the very same petitioner challenged the



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order of appointment of the Executive Officer by way of W.P(MD)No.19929 of 2015 and the said writ petition was dismissed by this Court and the said Judgment dated 08.04.2022 has become final. Therefore, by clever drafting, converting the writ of certiorari into one of declaration, the petitioner cannot once again approach this Court.

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

6. The order dated 14.02.2015 appointing the Executive Officer is upheld by this Court. But that does not entitle the respondents to keep the temple permanently under the administration of the Executive Officer alone. There must be the Board of Trustees duly constituted as per Section 49 of the Hindu Religious Charitable and Endowments Act, 1959, to administer the temple. The learned counsel for the petitioner submits that the petitioner is only praying for the administration of the temple by duly constituting the Board of Trustees.

7. In view thereof, this Writ Petition is allowed on the following terms:

(i) The first respondent shall take steps as per Section 49 of the Hindu



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Religious and Charitable Endowments Act, 1959, by issuing public advertisement as per the Rules calling for applications for appointment of the Board of Trustees by duly following the Act and the Rules framed thereunder, including the rule of reservation and identify the suitable persons and appoint the Board of Trustees.

(ii) The said exercise shall be done as expeditiously as possible, in any event, not later than six months from the date of receipt of a web copy of the order.

No costs.

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NCC: No

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul, Dindigul District.



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2.The Executive Officer/Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul, Dindigul District.

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