BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.06.2026**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.765 of 2026
and
C,M.P.(MD)No.6314 of 2026

R.Mohandoss ...Appellant

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 the 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 Sanseehswara Bhagavan Temple,
Kuchanoor, Uthamapalayam Taluk,
Theni District. ...Respondents

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order dated 17.03.2026 made in W.P.(MD)No.7210 of 2026 and allow this writ appeal.

For Appellant	:	DR.Guhaseelarupan.C
For Respondent	:	Mr.B.Saravanan (R1 & R2) Senior Counsel for Mr.M.P.Senthil, Counsel for the State of Tamil Nadu

JUDGMENT

(Judgment of the Court was delivered by **N.SATHISH KUMAR, J.)**

The present writ appeal has been filed challenging the order passed by the learned Single Judge disposing of the writ petition.

2.The case of the appellant is that he is the hereditary trustee of the subject temple and prior to him, his father and brother were the hereditary trustee of the temple. However, by the impugned proceedings dated 28.01.2026, a Fit Person was appointed for the temple. Aggrieved by the appointment of the Fit Person, the appellant/writ petitioner approached this Court by filing the writ petition.

3.The learned Single Judge, taking note of the fact that certain properties belonging to the temple had been alienated by members of the family connected with the management of the temple, observed that if the petitioner seeks recognition as a hereditary trustee, it is always open to him to file an application under Section 54 of the Hindu Religious and Charitable Endowments Act (hereinafter referred to as HR & CE Act), seeking such recognition. The learned Single Judge further observed that if the petitioner is found to have not been involved in the alienation of temple properties and if he is appointed as a hereditary trustee, the appointment of the Fit Person would automatically come to an end and disposed the writ petition directing the petitioner to file an application before the authorities concerned. Aggrieved by the same, the writ petitioner has filed the present appeal.

4.The learned counsel appearing for the appellant would contend that the appointment of the Fit Person to the subject temple is unsustainable in law. According to him, Section 54 of the Act contemplates appointment of a Fit Person only when a vacancy arises in the office of hereditary trustee or when there exists a dispute regarding succession to the office between the hereditary trustees.

5. It is his further submission that the power to appoint a Fit Person under Section 53 (4) of the Act cannot be exercised as a matter of course and such appointment can be made only in accordance with the statutory requirements. Further, in the absence of any pending enquiry under Section 53 of the HR & CE Act, Fit Person cannot be appointed mechanically.

6.We have carefully considered the submissions made and perused the materials available on record.

7.There can be no dispute that Section 54 of the Act deals with situations, which necessitates appointment of a Fit Person to a temple. Equally, Section 53 empowers the authorities to take appropriate action in the circumstances contemplated under the Act.

8.The facts of the present case reveal that the temple properties have admittedly been alienated by the persons, who were managing the affairs of the temple. In such circumstances, this Court is of the view that protecting the remaining properties of the temple is paramount important. Therefore, we are of the view that the technical objections raised with regard to the appointment of the Fit Person, in the facts and circumstances of the present case, cannot come to the aid of the appellant.

9.It is the specific stand of the appellant that he had no role whatsoever in the alienation of the temple properties and that such transactions were effected by the other members of the family. If that be so, it is always open to the appellant to establish his claim before the competent authority. As rightly observed by the learned Single Judge, if the appellant seeks recognition as a hereditary trustee, he shall approach the authorities under Section 54 of the Act.

10.Accordingly, the appellant is granted liberty to file an application before the jurisdictional Joint Commissioner under Section 54 of the Act seeking recognition as hereditary trustee within a period of one month from the date of receipt of a copy of this judgment. Upon receipt of such application, the Joint Commissioner shall consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all interested parties, within a period of one month thereafter. If, upon such enquiry, it is found that the appellant is entitled to be recognised as the hereditary trustee and that he was in no manner involved in the alienation of temple properties, the competent authority shall pass appropriate orders recognising him as hereditary trustee. Upon such recognition, the appointment of the Fit Person shall automatically cease. Till the question of hereditary trusteeship is decided, the Fit Person appointed by the authorities shall continue to administer the affairs of the temple.

11.In fine, we find no merits in the writ appeal. Accordingly, the writ appeal stands dismissed. No costs.

[N.S.K., J.] & [M.J.R., J.]
01.06.2026

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AND
M.JOTHIRAMAN, J.

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