



**W.P(MD)No.14137 of 2026**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.05.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**W.P(MD)No.14137 of 2026**

**and**

**WMP (MD) Nos.10553 and 10554 of 2026**

1. M.Ganesan

2. S.Selvaraj

3. M.Natarajan

4. S.Mangudi

... Petitioner(s)

Vs.

1. The Commissioner HR and CE,  
Nungambakkam, Chennai.

2. The Joint Commissioner HR and CE,  
Thanjavur,  
Thanjavur District.

3. The Assistant Commissioner HR and CE,  
Pudukottai District.

4. Sathiah

... Respondents



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**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 order of the 1st respondent made in Na.Ka.No. 3133/2025/A2 dated 06.05.2026 and quash the same as illegal due to lack of jurisdiction and thus render justice.

For Petitioners : Mr. R.Suriya Narayanan

For Respondents : Mr.J.Amjad Khan  
Government Advocate for R1 to R3

### **ORDER**

This writ petition has been filed challenging the notice issued by the first respondent dated 06.05.2026, whereby the petitioner has been called upon to submit objections, if any, in respect of the proposal to notify Arulmigu Sri Narayana Perumal and Sree Ariyanayagi Ambal Temple under the administration of the Hindu Religious and Charitable Endowments Department (hereinafter referred to as the “HR & CE Department”, for brevity).”

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The petitioner is an administrator of Arulmigu Sri Narayana Perumal and Sree Ariyanayagi Ambal Temple, situated at Vallambarkaadu Village, Aranthangi Taluk, Pudukottai District, for the past several years. On receipt of a complaint from a third party, the Assistant Commissioner of the HR & CE Department has issued a notice, thereby calling upon the petitioner to submit objections, if any.

4. Learned counsel for the petitioner submits that Arulmigu Sri Narayana Perumal and Sree Ariyanayagi Ambal Temple is a village temple administered by the petitioner for the past several years. While so, there is a dispute with regard to the administration of the said temple as well as participation in the festival committee. Therefore, the counter-party has filed a suit in O.S. No.22 of 2020 on the file of the District Munsif Court, Aranthangi, seeking declaration and injunction. While the said suit is pending, the third respondent has issued a notice to the petitioner calling upon him to submit objections for the proposed notification of Arulmigu Sri Narayana Perumal and Sree Ariyanayagi Ambal Temple under the HR & CE Department.

5. Learned counsel for the petitioner contends that the third respondent has no power or authority to issue the notice under Section 71 of the Tamil



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Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as ‘the Act’ for brevity) and that the notice ought to have been issued by the Commissioner of the HR & CE Department, as contemplated under Section 71 of the Act. It is further contended that, after receipt of objections, it is only the Commissioner of the HR & CE Department who is competent to decide as to whether the institution is liable to be notified under the Act.

6. It is relevant to extract the provisions under Sub-section (1) of Section 71 of the Act:

“71. Issue of notice to show cause why institution should not be notified.—(1) Notwithstanding that a religious institution is governed by a scheme settled or deemed to have been settled under this Act, where the Commissioner has reason to believe that such institution is being mismanaged and is satisfied that in the interest of its administration, it is necessary to take proceedings under this chapter, the Commissioner may, by notice published in the prescribed manner, call upon the trustee and all other persons having interest to show causes why such institution should not be notified to be subject to the provisions of this Chapter.”

Thus, it is clear that the third respondent has no authority to issue any notice calling upon the petitioner to submit objections.



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7. Mr.T.Amjad Khan, learned Government Advocate, on instructions, submits that Section 71 of the Act applies only to temples governed by a scheme settlement. Insofar as the temple in dispute in the present writ petition is concerned, it is a village temple and not a scheme-settled temple. It is further submitted that, if any temple is to be notified under the purview of the HR & CE Department, the first respondent has to issue notice under Section 71(1) of the Act.

8. In the present case, admittedly, the third respondent, who is the Assistant Commissioner of the HR & CE Department, has issued the notice. On this technical ground alone, the notice issued by the third respondent cannot be sustained and is liable to be set aside.

9. Accordingly, the impugned notice dated 06.05.2026, issued by the first respondent is hereby set aside. The first respondent is directed to issue notice as per Section 71(1) of the Act within a period of four weeks from the date of receipt of a copy of this order and the petitioner is at liberty to raise objections on receipt of the notice issued by the first respondent. After the receipt of the objections, if any, from the petitioner, the first respondent is directed to proceed



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further as contemplated under Section 72 of the Act.

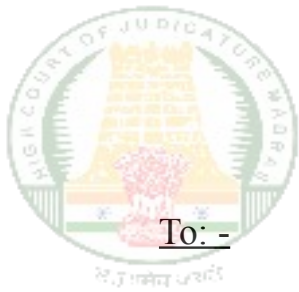
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10. With the above directions, this writ petition stands allowed. No costs.

Consequently, the connected miscellaneous petitions are closed.

**13.05.2026**

Index :Yes/No  
Internet :Yes/No  
PKN



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**G.K. ILANTHIRAIYAN, J.**

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