



W.P.(MD)No.14759 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.06.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.14759 of 2026

and

W.M.P(MD)No.11110 of 2026

- 1.S.Packiam Poosari (President)
S/o. Sivagnanam Poosari
 - 2.G.Sivaguru Poosari,
S/o. Guruvaa Reddiyar Poosari
 - 3.S.Gurusamy Poosari
S/o. Sivagnanam Poosari
 - 4.S.RajaGuru Poosari (Vice-President)
S/o. Sivaguru Poosari
 - 5.P.Rajaguru Poosari (Secretary)
S/o. Pazhanichami Poosari
 - 6.P.Packiam Poosari
S/o. Paramaguru Poosari
- All are residing at
Represented by its Hereditary Trustee,
Arulmigu Gurusamy Temple,
301, Ambalapuzhi Bazaar,
Rajapalayam Town,
Virudhunagar District.

... Petitioners

Vs

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.



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2.The Inspector,
Hindu Religious and Charitable Endowments,
Rajapalayam Town,
Virudhunagar District.

3.M.R.Radhakrishna Raja

... 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 pertaining to the impugned order made in I.A.No.12 of 2026 in O.A.No.8 of 2025, dated 12.05.2026 on the file of the first respondent and to quash the same as illegal and arbitrary.

For Petitioners : Mr.M.Thirunavukkarasu

For Respondents : Mr.R.Parthiban
Government Standing Counsel for R1 & R2

Dr.C.Guhaseelarupan for R3

ORDER

The Writ Petition is filed challenging the impugned order dated 12.05.2026 made in I.A.No.12 of 2026 in O.A.No.8 of 2025.

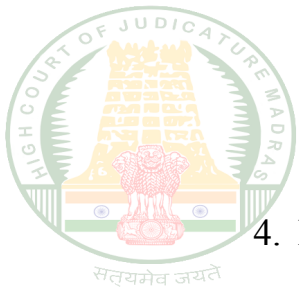
2. The writ petitioners, being the petitioners in O.A.No.8 of 2025, had originally filed the said application to declare themselves as the hereditary trustees in respect of Arulmigu Gurusamy Samadhi Temple, Rajapalayam town,



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Virudhunagar District. The temple has a chequered history, inasmuch as earlier there was a contest as to whether it is a samadhi or a temple and ultimately, it is now decided that it is a temple. While so, the third respondent herein had filed an application seeking to implead himself as a party in the aforesaid O.A.No.8 of 2025. As a matter of fact, the petitioners, after considering the report of the Inspector, dated 05.12.2025 are also proposing to amend the relief sought so as to alter it to one for framing a scheme, and it is at this stage that the impleading application has been filed.

3. The learned counsel would submit that the rights of the petitioners vis-a-vis the third respondent have already been decided by the common Judgment of the District Court, Srivilliputhur, made in O.S.No.367 of 1993 etc. The learned counsel would rely upon certain paragraphs, including paragraphs 27-31 of the said Judgment, to contend that the rights of the third respondent vis-a-vis the temple and the petitioners have already been conclusively determined and that he has no *locus standi* to oppose the applications filed by the petitioners. As a matter of fact, the impugned order has been passed merely by extracting the petition and the counter, and without advertng to the various grounds raised, a cryptic order of impleadment has been passed.

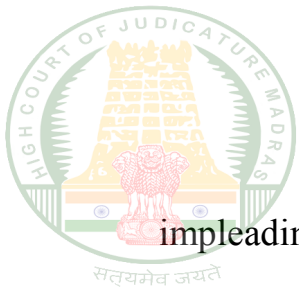


4. Per contra, the learned Government Standing Counsel appearing on behalf of the respondents 1 and 2 would submit that after considering the fact that the third respondent may be a proper party to the proceedings, the impleading petition was allowed.

5. The learned counsel appearing on behalf of the third respondent would refute the contentions of the petitioners and submit that, in all the earlier proceedings, including the writ petition filed by the petitioners, the third respondent was a party, and that the third respondent has to be heard with reference to the recognition of hereditary trusteeship or framing of a scheme, whatever the prayer may be.

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

7. The consideration with reference to adding a party is only whether the party seeking impleadment is a necessary or property party. The contention raised by the learned counsel for the petitioners, or the merits of the objections that may be raised by the third respondent in the main proceedings, including whether the third respondent would be entitled to raise such claims or whether his rights have already been decided in the suit, cannot be decided in the



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impleading application itself. When the prayer is either to recognize the petitioners as hereditary trustees or to frame a scheme, it cannot be said that the third respondent is a total stranger, inasmuch as he is also a party in the earlier proceedings. Merely because the third respondent is impleaded, no right which he otherwise does not possess would be created, and the *inter se* rights already determined in the suits can very well be pleaded in the main application. Any finding that is made while deciding the impleading application will not affect the rights of both parties. All the questions are left open to be contested in the main original application. As a matter of fact, it will also be in the interest of the petitioners that the claim is decided in the presence of the third respondent, so that it will be binding on the third respondent. I do not see any grounds to entertain this writ petition, which is challenging only the order impleading the third respondent.

8. With the above observations and keeping open the liberty of the petitioners as well as the third respondent to raise all grounds in the main original application, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

04.06.2026

NCC : Yes/No
sjl



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D.BHARATHA CHAKRAVARTHY, J.

sjl

To

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