



DATED: 08.01.2026

THE HONOURABLE Mr. JUSTICE KRISHNAN RAMASAMY

M.Chellapandi

...Petitioner

VS.

1. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Department of Tourism, Culture and Hindu Religious
and Charitable Endowment,
Fort St. George,
Secretariat, Chennai - 9.

2. The Commissioner,
Department of Hindu Religious and Charitable Endowment,
No. 119, Nungambakkam Highways,
Chennai 34.

3. The Joint Commissioner,
Department of Hindu Religious and Charitable Endowment,
Sivagangai District.

4. The Assistant Commissioner,
Department of Hindu Religious and Charitable Endowment,
Paramakudi,
Ramanathapuram District.

5. G. Chandran

6. S. Rani

7. S. Kannappan

...Respondents



W.P.(MD)No.27385 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.(P).No. 244 dated 06.09.2024 on the file of the 1st respondent for appointment of Hereditary Trustees by excluding a trustee from Scheduled Caste Community and quash the same as illegal and consequently directing the respondents to constitute a Board of Hereditary Trustees for Arulmigu Vettudayar Kaliyamman Temple, Ariyakuruchi, Vittaneri, Kalayarkovil Taluk, Sivagangai District in light of section 7-A and 47(C) of Hindu Religious and Charitable Endowments Act, 1959 within time prescribed by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.J.K.Jayaselan,
Government Advocate for R1 to R4
Mr.V.R.Shanmuganathan for R7

ORDER

This Writ Petition has been filed challenging the impugned order appointing Hereditary Trustees by excluding a trustee from Scheduled Caste Community in G.O.(P).No. 244, Tourism, Culture and Religious Endowments Department, dated 06.09.2024, on the file of the 1st respondent and consequently direct the respondents 1 to 4 to constitute a Board of Hereditary Trustees for Arulmigu Vettudayar Kaliyamman Temple, Ariyakuruchi, Vittaneri, Kalayarkovil Taluk, Sivagangai District, in light of Sections 7-A and 47(C) of Hindu Religious and Charitable Endowments Act, 1959.



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2. The learned counsel appearing for the petitioner would submit that, in the present case, the impugned order was passed by the first respondent without including a scheduled caste member as one of the Trustees for Arulmigu Vettudayar Kaliyamman Temple, Ariyakuruchi, Vittaneri, Kalayarkovil Taluk, Sivagangai District. According to him, as per the provisions of Sections 7-A (4) and 47 (1) (c) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter called as 'the Act'), it is mandatory on the part of the first respondent to include a scheduled caste member while appointing board of trustees to the temple. Therefore, he would submit that in violation of the provisions of the Sections 7-A (4) and 47 (1) (c) of the Act, the present impugned order has been passed. Hence, the present petition.

3. The learned counsel appearing for the seventh respondent would submit that the respondents 5 to 7 are the trustees, who were appointed by virtue of G.O.(P).No. 244, Tourism, Culture and Religious Endowments Department, dated 06.09.2024. He would submit that, in the present case, the subject temple is covered under the scheme and the scheme was approved by this Court on 11.11.1930. Therefore, the temple comes under Section 7-A (5) of the Act. Section 7-A (5) of the Act is an obstanding clause and it is not necessary to appoint a scheduled caste member as trustee as provided



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under Section 7-A (4) of the Act. He would also submit that even Section 47 (1) (c) of the Act is subject to *proviso* to Section 47 (1)(a) of the Act. The *proviso* refers to the trustees appointed in terms of Section 7-A (4) of the Act. In the present case, the question of appointing trustees under Section 7-A (4) of the Act does not arise because the subject temple is a scheme temple and the scheme was also approved by this Court. According to him, in view of Section 7-A (5) of the Act, the provisions of Section 7-A (4) of the Act would not apply to the present case. He therefore, prayed for dismissal of the present petition.

4. I have given due consideration to the submissions made on either sides.

5. Upon hearing either sides, I find force in the submissions of the learned counsel for the seventh respondent. The respondents 5 to 7 were appointed as Hereditary Trustees by virtue of G.O.(P).No. 244, Tourism, Culture and Religious Endowments Department, dated 06.09.2024. There is no dispute on the fact that the temple is a scheme temple. The scheme degree was passed by this Court on 11.11.1930. Once the temple comes under a scheme, then the provisions of Section 7-A (5) of the Act would automatically apply. Section 7-A (4) & (5) of the Act reads as follows:-



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"7-A (4) The District Committee shall prepare, in such manner as may be prescribed, panel of names of persons who are qualified for appointment as trustees under this Act (including women and members of Scheduled Castes and Scheduled Tribes) and suitable for appointment as non-hereditary trustees or trustee as the case may be and shall sent it to-

(i) the Joint Commissioner or the Deputy Commissioner, in respect of religious institutions falling under Clause (i) of Section 46;

(ii) the Commissioner, in respect of religious institutions falling under Clause (ii) of Section 46; and

(iii) the Assistant Commissioner, in respect of religious institutions which is not included in the list published under Section 46 and is not a religious institution notified or deemed to have been notified under Chapter VI of this Act.

7-A (5) Notwithstanding anything contained in this section, the District Committee shall have no jurisdiction to send any panel of names of persons under this Section in respect of any religious institution for which a scheme has been settled or deemed to have been settled under this Act by the High Court of any Court subordinate to the High Court."

6. Reading of the above provision would make it clear that the other provisions of Section 7-A would not apply to the scheme temple. Therefore, it is crystal clear that there is no mandatory requirement to appoint a



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scheduled caste member as one of the trustees as per Section 7-A (4) of the Act. However, there is no prohibition to appoint a scheduled caste member as trustee, if the first respondent decides to do so. In the present case, it appears that, on earlier occasions, the petitioner was appointed as one of the trustees and now, the first respondent intend to provide an opportunity to other caste people. Therefore, they have nominated other caste people for appointment as trustees.

7. Further, Section 47(1)(c) of the Act should be read along with *proviso* to Section 47(1)(a) of the Act. The *proviso* to Section 47(1)(a) of the Act states that the board of trustees constituted under items (i) and (ii) of the clause i.e., trustees appointed in terms of Section 7-A (4) of the Act, shall be subject to the provisions of clause (c). Section 47 (1) (a), (b) and (c) of the Act reads as follows:-

"47 (1) (a) Where a religious institution included in the list published under section 46 or in respect of which the Assistant Commissioner has no power to appoint trustees, has no hereditary trustee,—

(i) in cases falling under clause (i) of section 46, the Joint Commissioner / Deputy Commissioner ;



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(ii) in cases falling under clause (ii) of section 46, the Commissioner; and

(iii) in cases falling under clause (iii) of section 46, the Government, shall constitute a Board of Trustees.

Provided that the Board of Trustees constituted under items (i) and (ii) of the clause shall, subject to the provisions of clause (c) consist of three persons appointed by the Joint Commissioner / Deputy Commissioner or the Commissioner, as the case may be, of whom, one shall be a member of the Scheduled Castes or Scheduled Tribes :

Provided further that in addition to the persons appointed by the Joint Commissioner / Deputy Commissioner or the Commissioner under items (i) or (ii) of this clause, as the case may be, the Government may nominate two persons who are qualified for appointments as trustees under this Act, as members of the said Board of Trustees, having regard to the following matters, namely:—

- (a) the interest of the public generally ;*
- (b) the income and the properties of the religious institutions;*
- (c) the number of worshippers and importance of the religious institutions as a pilgrim center ; and*
- (d) such other matters as may be prescribed.]*

(b) in respect of all the incorporated and unincorporated Devaswoms in the transferred territory, the 1[Government] shall constitute a single Board of Trustees ;

(c) every Board of Trustees constituted under clause (a) or clause (b) shall consist of not less than three and not more



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than five persons, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes: and another one shall be a woman"

8. In the present case, since the subject temple is a scheme temple, the question of appointment of trustees in terms of provisions of Section 7-A (4) of the Act would not come into picture. Hence, the provisions of Section 47(1)(c) of the Act would not apply to the subject temple. Such being the case, I do not find any error in the appointment of the respondents 5 to 7 as Hereditary Trustees by virtue of G.O.(P).No. 244, Tourism, Culture and Religious Endowments Department, dated 06.09.2024. Therefore, the Writ Petition is devoid of merits and is liable to be dismissed.

9. At this juncture, the learned counsel appearing for the petitioner would pray that the petitioner may be granted liberty to make a fresh representation in this regard.

10. On earlier occasions, taking into consideration of the petitioner's social status, the first respondent has reasonably considered and appointed him as one of the trustees, even though it is not mandatory to appoint a scheduled caste member as trustee. Now, the first respondent wishes to give



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opportunity to other caste people. That is the reason why, this time, the appointment of the petitioner was not considered. Therefore, the petitioner is advised to defer from making any such fresh representations. In case, any representation is made, it would mean that the petitioner is creating trouble again and again and would only be considered as a nuisance.

11. In the result, this Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

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Speaking / Non-speaking order
Index : Yes/No
NCC : Yes/No

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KRISHNAN RAMASAMY, J.

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