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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP(MD) No. 31371 of 2026

CNR:{HCMD011561292026}

and

WMP(MD) No.24077 & 24078 of 2026

Sreeman Narayana Brahmananda Thirtha Swamiyar,
49th Madathipathy and Moopil Swamiyar,
Munchirai Math,
Kizhakke Swamiyar Madom,
Sri Padhmanabhaswamy Temple,
Thiruvananthapuram, Kerala.

..Petitioner(s)

Vs

1. State of Tamil Nadu,
   Represented by the Additional Chief
   Secretary to Government,
   Tourism Culture and Religious Endowments
   Department, Secretariat,
   Fort St.George Chennai - 600009.

2. The Additional Commissioner,
   Tamil Nadu Hindu Religious and
   Charitable Endowments Department,
   No. 119, Uthamar Gandhi Salai,
   Chennai – 600034.

3. The Executive Officer,
   Arulmigu Kannivinayagar Temple,
   Vadiveeswaram, Nagercoil.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the Letter of the first respondent in

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Letter No.3883861/RE4-1/2023, dated 30.04.2025, quashing the same and consequently directing the first to third respondents to hand over the administration and management of the Munchirai Math to the petitioner herein, Sreeman Narayana Brahmananda Thirtha Swamiyar.

For Petitioner	: Mr. Niranjan Rajagopalan for M/s.G.R.Associates
For R1 & R2	: Mr.P.Pethu Rajesh Additional Government Pleader
For R3	: Mr.V.R.Shanmuganathan Standing Counsel

ORDER

Asserting that the petitioner is the 49th Madathipathy and Moopil Swamiyar of the Munchirai Math, the petitioner assails order dated 03.04.2025 of the Government rejecting the revision petition filed by Moopil Swamiyar Srimath Parameshwara Brahmananda Theertha Swamiyar, after taking note of his demise.

2. Learned counsel for the petitioner submits that jurisdiction can be exercised under Section 60 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, only if there is a dispute respecting the right of succession to such office. Contending that such dispute should be raised by a rival claimant and not by the Government, he submits that the order dated 20.03.2018 is not sustainable. Because the

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order rejecting the revision petition was issued on the erroneous basis that a personal right was being canvassed, he submits that the petitioner should be provided an opportunity to restore and prosecute the revision petition.

3. Accepting notice on behalf of the first and second respondents, Mr.P.Pethu Rajesh, learned Additional Government Pleader, submits that the petitioner has already filed a civil suit and that the petitioner should first establish that he is the Madathipathy in order to claim any rights in relation to the Math.

4. Mr.V.R.Shanmuganathan, learned Standing Counsel, accepts notice on behalf of the third respondent. He submits that the petitioner may independently assail the appointment of the Executive Officer and that it is unnecessary to interfere with the impugned order.

5. In the impugned order, at paragraph 12, it is recorded as under:

> “12. In these circumstances, I am to state that the following legal maxim would be relevant to the case on the hand that "*Actio personalis montur cum persona*" which means a personal right of action dies with a person”, it means, the actions where the relief sought is personal to the deceased, the right to sue will not survive to or against the representatives.

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Hence, upon the demise of the revision petitioner on 12.11.2024, the prayer of the petitioner to quash the order dated 20.03.2018 of the Additional Commissioner (General) and permit the petitioner Srimath Parameswara Brahmananda Theertha Swamiyar to enter upon the madom and perform the Chaturmasya Vrutham in the capacity of Moopil Samiyar becomes infructuous. Hence, the revision petition is disposed as infructuous."

6. Thus, the impugned order proceeds on the basis that a personal right of action was asserted by the deceased in relation to the Munchirai Math. On the contrary, the petitioner asserts that it is not a personal right and that it is a right asserted for and on behalf of the Math. The petitioner also claims that he is the 49th Madathipathy, who was appointed in accordance with prescribed customs and practices.

7. Although a suit in O.S.No.97 of 2020 is pending, on perusal of the reliefs claimed in said suit, it appears that the scope of the suit relates to properties in Kerala. Therefore, the pendency of the said suit does not stand in the way of the claims made by the petitioner in this Writ Petition.

8. Upon consideration of the averments in the petition and the documents placed on record, I find that a prima facie case is made out for reconsideration of the impugned order. Towards that end, the impugned order is set aside and the revision petition is restored for consideration.

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After providing a reasonable opportunity to the petitioner and the Executive Officer, a fresh order shall be issued within four months from the date of receipt of a copy of this order. While undertaking adjudication, the Government shall examine the correctness of the claim that the petitioner is the 49th Madathipathy.

9. This Writ Petition is disposed of on the above terms. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JEN

To
1. Additional Chief Secretary,
   Tourism Culture and Religious Endowments Department
   Secretariat, Fort St.George Chennai – 600009.

2. The Additional Commissioner,
   Tamilnadu Hindu Religious and Charitable Endowments Department,
   No.119 Uthamar Gandhi Salai, Chennai – 600034.

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SENTHILKUMAR RAMAMOORTHY, J.
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