



W.P.(MD)Nos.35890 and 35892 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)Nos.35890 and 35892 of 2025

and

W.M.P.(MD)Nos.28532 and 28533 of 2025

W.P.(MD)No.35890 of 2025:-

S.Mohan

... Petitioner

-VS-

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai - 34.
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 3.The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukkottai.
- 4.The Fit Person / Inspector,
Arulmighu Kuravanikattu Ayyanar Vagaiyara Temple,
Kaandiyanatham Village,
Ponnamaravathi Taluk,
Pudukottai District.



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Office at Arulmighu Muthu Mariamman Temple,
Konnaiyur, Ponnamaaravathi Taluk,
Pudukottai District.

5.The Deputy Superintendent of Police,
Ponnamaravathi Range,
Pudukottai District.

6.The Tahsildar,
Office of the Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.

7.The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi Taluk,
Pudukottai District.

8.Chithandi

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to permit the petitioner to continue to do Poojas as per the order of the second respondent in Na.Ka.No. 1070/2025 Aa2 dated 07.02.2025 and order of the third respondent vide Proceedings Se.Mu.Na.Ka.No.503/2022 E1, dated 27.09.2023 as Hereditary cum Registered Poosari under the Tamil Nadu Government Oru Kaala Pooja Scheme and Charter for Service Inam Land given by the Pudukkottai Samasthanam within the stipulated time period fixed by this Court.

For Petitioner : Dr.Ramesh Mahadev



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For R1 to R3 and R6 : Mr.M.Sarangan
Additional Government Pleader

For R5 and R7 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

For R8 : Mr.R.Paranjothi
for M/s.KBS Law Office

W.P.(MD)No.35892 of 2025:-
S.Mohan

... Petitioner

-VS-

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 3.The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukkottai.
- 4.The Fit Person / Executive Officer,
Arulmighu Kuravanikattu Ayyanar Vagaiyara Temple,
Kaandiyathanam Village,
Ponnamaravathi Taluk,
Pudukkottai District.
Office at Arulmighu Muthu Mariamman Temple,
Konnaiyur, Ponnamaaravathi Taluk,
Pudukkottai District.



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5.The Tahsildar,
Office of the Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.

6.The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi Taluk,
Pudukkottai District.

7.Chithandi

8.The Inspector,
Hindu Religious and Charitable Endowment Department,
Ponnamaravathi Division,
Pudukkottai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Impugned Proceedings of the second respondent bearing O.A.No.14/2023 dated 17.11.2025 and third respondent's Se.Mu.Na.Ka.No.503/2022/E1 dated 28.11.2025, quash the same as deliberately illegal and unconstitutional and directing the respondents to permit the petitioner to continue to do Poojas as per the order of the third respondent vide Proceedings Se.Mu.Na.Ka.No.503/2022 E1 dated 27.09.2023 as Registered Poosari under the Tamil Nadu Government Oru Kaala Pooja Scheme in the light of the Rule 31 of the G.O.No.362 of Tourism Culture and Religious and Endowments Department, dated 03.09.2020, within the stipulated time period fixed by this Court.

For Petitioner : Dr.Ramesh Mahadev



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For R1 to R3, R5 and R8 : Mr.M.Sarangan
Additional Government Pleader

For R6 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

For R7 : Mr.R.Paranjothi
for M/s.KBS Law Office

COMMON ORDER

These two writ petitions are connected, having been filed by the same petitioner, and are therefore taken up together and disposed of by this common order.

2. W.P.(MD)No.35892 of 2025 challenges the order passed in O.A.No.14 of 2023. The case of the petitioner is that he is presently performing pooja as the Poojari of Arulmighu Karuvelikattu Ayyanar @ Kuravanikaatu Ayyanar Vagaiyara Temple, situated at Kandiyanatham, Ponnamaravathi Taluk, Pudukkottai District. By order dated 27.09.2023, the petitioner was appointed to perform pooja under the Oru Kaala Pooja Scheme and is receiving monthly remuneration under the said scheme.



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3. It is the further contention of the learned counsel for the petitioner that the petitioner and his family have been granted service inam lands, which they are cultivating, and in return, they are obliged to render service to the Temple as Poojari. According to the petitioner, without considering his case, the order in O.A.No.14 of 2023 came to be passed. Even in the said order, while appointing the seventh respondent / Chithandi as temporary Poojari, the services rendered by the petitioner were not taken into account.

4. It is further contended that the claim of the seventh respondent or his group is only with regard to offering goats during festivals, particularly, during the Thai Pongal festival, and that too only in respect of one Sannathi, namely, before the Karuppar Sannathi, and not in respect of other Sannathis. In any event, when the claim of the seventh respondent for appointment as regular Poojari has been rejected by the Joint Commissioner, there is no justification for appointing him as a temporary Poojari, replacing the petitioner. Hence, the petitioner has challenged the order passed in O.A.No.14 of 2023.



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5. The other writ petition, W.P.(MD)No.35890 of 2025, is filed seeking a Writ of Mandamus directing the respondents to permit the petitioner to continue to perform poojas as per the order of the second respondent dated 07.02.2025 and the order of the third respondent dated 27.09.2023, as Hereditary-cum-Registered Poojari under the Tamil Nadu Oru Kaala Pooja Scheme and the Charter relating to service inam lands granted by the Pudukkottai Samasthanam.

6. The learned counsel for the petitioner contended that, by virtue of the service inam granted, the petitioner is entitled to continue, and that his appointment under the Oru Kaala Pooja Scheme is justified.

7. The writ petitions are resisted by the respondents. The learned Additional Government Pleader, appearing for the H.R. & C.E. authorities, submitted that the writ petition challenges the order in O.A.No.14 of 2023, for which an effective alternative remedy of appeal is available, and therefore, the writ petition is not maintainable. It is further submitted that the seventh respondent was not found eligible for appointment on a regular basis, as no office of poojariship can be claimed on hereditary basis, and the appointment made is only temporary as a stopgap arrangement.



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8. Insofar as W.P.(MD)No.35890 of 2025 is concerned, it is submitted that the petitioner's appointment under the Oru Kaala Pooja Scheme is also purely temporary, and no permanent right can be claimed.

9. The learned counsel appearing for the seventh respondent / Chithandi submitted that, upon production of appropriate documents before the Joint Commissioner, including the Seppu Pattayam, the seventh respondent and his family members have been conferred certain rights to perform pooja. According to him, the case relates to customary rights, and therefore, the principles laid down by the Constitution Bench of the Hon'ble Supreme Court in **Seshammal and others vs. State of Tamil Nadu**¹ would not apply. It is further submitted that even though the seventh respondent / Chithandi is aggrieved by the order insofar as denial of hereditary right is concerned, he has been granted only a temporary appointment and proposes to prefer an appeal.

10. I have considered the rival submissions and perused the materials on record.

¹ (1972) 2 SCC 11



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11. Insofar as the order passed in O.A.No.14 of 2023 is concerned, the Joint Commissioner has rejected the claim of the seventh respondent for hereditary poojariship, relying upon the law laid down by the Hon'ble Supreme Court in **Seshammal's case** [cited supra], wherein it has been held that there cannot be hereditary succession to such office. No exception can be taken to this finding.

12. However, the learned counsel for the seventh respondent relied upon the decision of the Hon'ble Supreme Court in **Adi Saiva Sivachariyargal Nala Sangam vs. Government of Tamil Nadu**² to contend that the said principle may not apply to Agama temples or cases involving established customs. Be that as it may, it is open to the seventh respondent to work out his remedy by way of appeal.

13. At the same time, the contention of the petitioner that the seventh respondent has crossed the age of 60 years requires consideration. Once the claim of hereditary poojariship is rejected, the post falls within the ambit of “office

² (2016) 2 SCC 725

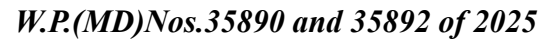


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holders and servants” under Section 55(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"], which includes poojaris. Under the Tamil Nadu Hindu Religious Institutions Employees (Conditions of Service) Rules, 2020, the post of Poojari is categorized, and Rule 31 mandates retirement upon attaining the age of 60 years.

14. In the present case, the seventh respondent, who is stated to be aged about 66 years, could not have been appointed even on a temporary basis. To that extent, the order of the Joint Commissioner is liable to be set aside. However, liberty is granted to the seventh respondent to prefer an appeal against the rejection of his claim for hereditary or customary rights. It is also open to the petitioner to get himself impleaded in such appeal and contest the same. The Appellate Authority shall consider the matter on its own merits and pass appropriate orders in accordance with law.

15. Insofar as W.P.(MD)No.35890 of 2025 is concerned, the petitioner also claims status as a hereditary poojari. In view of the finding of the Joint Commissioner applying the decision of the Hon'ble Supreme Court in



However, insofar as the petitioner claims rights based on service inam, it is open to him to file an application under Section 63 of the H.R. & C.E. Act before the Joint Commissioner, who shall consider the same and pass appropriate orders in accordance with law after affording opportunity to all the concerned parties.

16. In the meantime, since the petitioner has been appointed under the Oru Kaala Pooja Scheme on a temporary basis, and no order terminating his services has been passed, he shall be permitted to continue. However, it will subject to the discretion of the authorities to appoint regular Poojari.

17. Accordingly, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

01.04.2026

Neutral Citation : Yes
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D.BHARATHA CHAKRAVARTHY, J.

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Common order in
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