



WP(MD)No.36766 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02/01/2026

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

WP(MD)No.36766 of 2025
and
WMP(MD)No.29207 of 2025

M.P.Shanmugaraja Sethupathy

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department (Administration),
Neelagiriswarar Thoppu,
Thiruvanaikovil
Thiruchirapalli - 5.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Srirangam,
Thiruchirapalli.

3. The Inspector,
Hindu Religious and Charitable
Endowments Department,
Srirangam,
Thiruchirapalli.



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4. P.Gandhimathi

5. P.Devanandha Boopathy

... Respondents

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 from the file of the 1st respondent, and quash the impugned report filed by the 3rd respondent in proceedings Vu.Mu.No.102/2025 dated 29.07.2025 as illegal.

For Petitioner : Mr.V.Sasi Kumar

For Respondent : Mr.J.K.Jayaseelan

Government Advocate

ORDER

The prayer in this writ petition is to issue a Writ of Certiorari, calling for the records from the file of the 1st respondent and quash the impugned report filed by the 3rd respondent in proceedings Vu.Mu.No.102/2025 dated 29.07.2025.

2. The learned counsel for the petitioner would submit that the 3rd respondent forwarded the impugned report to the 1st



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respondent wherein, the 3rd respondent without providing any opportunity to the petitioner, arrived at the ultimate finding to the extent that the petitioner had not produced any documentary evidence to prove that he is entitled to hereditary trusteeship. According to the learned counsel, the said decision was arrived at arbitrarily. When the petitioner made an application before the 1st respondent under Section 63(b) of the HR & CE Act 1959, for the purpose of appointing him as hereditary trustee of the subject temple, the impugned report of the 3rd respondent forwarded to the 1st respondent would adversely affect the petitioner's right of hereditary trusteeship which is pending before the 1st respondent. The 1st respondent may take cognizance of the 3rd respondent's report and in which case, the petitioner shall be provided with the opportunity to cross examine the 3rd respondent.

3. On the other hand, learned Government Advocate appearing for the official respondents would submit that in the present case, subsequent to the filing of the application by the



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petitioner under Section 63(b) of the HR & CE Act for the purpose of appointing him as hereditary trustee of the subject temple, the 1st respondent called for a report from the 3rd respondent. He would further submit that the petitioner would be provided with a copy of the 3rd respondent's report and personal hearing before passing any order by the 1st respondent on the application of the petitioner. Further, the petitioner would also be provided with the opportunity of cross examination of the 3rd respondent and only after affording opportunity of cross examination as well as personal hearing, appropriate orders will be passed on the petitioner's application by the 1st respondent. The impugned report is only a report that was called for in the course of decision making process on the application of the 1st respondent.

4. The above submission made by the learned Government Advocate for the official respondents is recorded. Since the impugned order challenged before this Court is only a report that was called for by the 1st respondent from the 3rd respondent and



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considering the submission made by the learned Government Advocate for the official respondents that it will not be taken on record without considering the petitioner's objections thereagainst and also without cross examination of the 3rd respondent by the petitioner, I do not find merit in the present writ petition.

5. Thus, the Writ Petition is disposed of with a direction to the 1st respondent to provide the petitioner a copy of the impugned report of the 3rd respondent dated 29.07.2025 and afford him an opportunity of personal hearing. Apart from that, the 1st respondent shall also provide the petitioner opportunity of cross examining the 3rd respondent and only thereafter, the 1st respondent shall pass appropriate orders on the application filed by the petitioner under Section 63(b) of the HR & CE Act. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2026



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Index : Yes / No
Neutral Citation : Yes / No
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KRISHNAN RAMASAMY, J.

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