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D.Murali vs the Secretary

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Court : Chennai

Decided On : Mar-10-2026

Judge : Honourable Mr Justice M.Dhandapani

Appeal No. : WP/25015/2023

Appellant : D.Murali

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI and W.M.P.Nos.24444 and 24446 of 2023

D.Murali ... Petitioner in W.P.No.25015 of 2023 M.Ajith Kumar ... Petitioner in W.P.No.25020 of 2023 Vs. 1.The Secretary, Tourism, Culture and Religious Endowments Department, Government of Tamil Nadu, Secretariat, Fort St.George, Chennai-600 005. 2.The Commissioner, Hindu Religious and Charitable Endowments

Department, No.119, Uthamar Gandhi Salai, Nungambakkam, Chennai-600 034. 3.The Joint Commissioner, Hindu Religious and Charitable Endowments Department, 2-F, Chinna Muthu Veedhi, Erode District.

4.The Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Collector Office Compound, Namakkal District. 5.N.Venkatachalam .Respondents in both petitions (*5th respondent is impleaded as per the order of this Court dated 10.03.2026 made in W.M.P.Nos. 25745 and 25746 of 2023*)

PRAYER in W.P.No.25015 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned Notification dated 25.07.2023 of the fourth respondent vide Na.Ka.No.3736/2023/A(6), quash the same and direct the respondents 1 to 4 herein to make appointments of non-hereditary trustees to Arulmigu Sellandiammal, Mallasamudram Village, Namakkal District, in accordance with Section 47(1)(c) and 50 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

PRAYER in W.P.No.25020 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified

Mandamus, to call for the entire records pertaining to the impugned Notification dated 25.07.2023 of the third respondent vide Na.Ka.No.6323/2023/B(3), quash the same and direct the respondents 1 to 4 herein to make appointments of non-hereditary trustees to Arulmigu Soleswarasamy and Arulmigu Alagaraya Perumal, Mallasamudram Village, Namakkal District, in accordance with Section 47(1)(c) and 50 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. In both petitions For Petitioner : Mr.S.Sivakumar For Respondents : Mr.N.R.R.Arun Natarajan Special Government Pleader for R1 to R4 Mrs.A.L.Gandhimathi Senior Counsel for Mr.V.Kumaresan for R5

COMMONORDER The petitioners challenge the impugned Notifications dated 25.07.2023 issued by the third and fourth respondents and to direct the respondents 1 to 4 to make appointments of non-hereditary Trustees to Arulmigu Sellandiammal Temple and Arulmigu Soleswarasamy and Arulmigu Alagaraya Perumal, Mallasamudram Village, Namakkal District in

accordance with Sections 47(1)(c) and 50 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [for short the Act].

2. In these writ petitions, W.M.P.Nos.25745 and 25746 of 2023 have

been filed by the petitioner therein seeking to implead himself as the fifth respondent in the writ petition. Though it is seen from the docket in W.M.P.Nos.25745 and 25746 of 2023 that, impleading petitions have been ordered on 06.11.2023, however, such orders are not available in the bundle. Further, the impleadment has also not been carried out. In the aforesaid circumstances, without going into whether the earlier orders dated 06.11.2023 had come to be passed, the impleading petitions in W.M.P.Nos.25745 and 25746 of 2023 are ordered and the petitioner therein is impleaded as the fifth respondent in these writ petitions.

3. It is the case of the petitioners that though a scheme was framed in O.A.No.101 of 1980, the Authorities have failed to incorporate a specific clause in the said Scheme to secure a Trustee Post to a member of Schedule

Caste or Schedule Tribe Community and for women and, therefore, it is violative of Section 47(1)(c) of the Act. Furthermore, the third and fourth respondents have issued Notifications dated 25.07.2023, whereby, the Authority has called upon the aspirants belonging to the members of Vizhia Kula Community of Nattu Vellagounder Community to furnish the application on or before 23.08.2023, wherein, the qualification of the

aspirants was also prescribed. The grievance of the petitioner is that the above Notifications were issued by the third and fourth respondents without considering the fact that the Authority is making appointments of non- hereditary Trustees to the Temple by exercising and invoking the power in terms of Section 47 of the Act. The petitioners belong to Scheduled Caste Community and have interest in taking a larger role in the affairs of the Temple. While so, by way of impugned notifications, the rights of the people belonging to the Community of the petitioners have been violated and therefore, the petitioners challenged the impugned notification on the ground of infringement of the rights of the petitioners guaranteed under Articles 14, 17 and 21 of the Constitution of India.

4. The learned counsel appearing for the petitioners submitted that as

per Section 47(1)(c) of the Act, every Board of Trustees constituted under clause (a) or clause(b) shall consist of not less than three and not more than five persons, of whom, one shall be a member of the Scheduled Caste or Scheduled Tribe and another one shall be a woman. Contrary to the said provision, the decree was granted by the Deputy Commissioner which is null and void and the same is not binding on the Authorities and even then, the Authorities have issued the impugned Notifications and therefore, the same has to be interfered with by this Court. Learned counsel for the petitioners further submits that even a suit was filed challenging the dismissal of A.P.No.49 of 1974 against O.A.No.80 of 1972, wherein, the Scheme which was confirmed, in O.S.No.488 of 1975, was subsequently withdrawn. Hence, the dismissal order made in O.A.No.80 of 1972 dated 18.07.1973 still holds good. Therefore, when the said scheme has not been set aside by any competent forum, the Scheme now formed in O.A.No.101 of 1980 is violative of Section 47(1)(c) of the Act and is invalid.

5. Per contra, the learned Special Government Pleader appearing for

the respondents 1 to 4 submitted that, since the temples in question come under Section 46(1) of the Act and is managed by Vizhia Kula Vellala community and the Scheme as per O.A.No.101 of 1980 has been framed as such, the demand of the petitioner that the trustees should be appointed as per Section 47(1)(c) and 64 of the Act is not sustainable. Hence, the learned counsel appearing for the respondents 1 to 4 submits that the writ petition itself is not maintainable and has to be rejected.

6. The learned Senior Counsel appearing for the fifth respondent

submits that the issue raised in this writ petition is no longer res integra and it was decided by this Court in W.A.No.503 of 2012 and the relevant paragraph is extracted as follows:- iv)the power under Sec.50 of Act 22 of 1959 is only the power in the matter of appointment of non-hereditary trustees and does not require appointing trustees in line with the mandate of Sec.47 or 49 or 49(a) of the Act, in so far as the

schemes already settled under the present Act 22 of 1959. In so far as schemes settled prior to the present enactment and especially where Sec.118 would come into play, then, where a scheme was framed under the earlier enactments or settled by the Civil Court U/s.92 of C.P.C did not recognize the power of the Department/Authorities functioning under the Act 22 of 1959 to appoint non-hereditary trustees, then such provisions that are repugnant and attempting to take away the power of appointment of trustees at the hands of the department/authorities would be void.

7. In view of the decision rendered by the Honble Division Bench of this Court, once the scheme is settled by the Competent Authority, the same cannot be interfered with. Accordingly, she prays for dismissal of this petition.

8. Heard the submissions made by the learned counsel for the parties and perused the materials placed on record.

9. It is to be noted that under Section 7-A(1)(5) of the Act,

> 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 or any Court subordinate to the High Court. Admittedly, the temples in question are public temples as defined under Section 6(20) of the Act and have been under the control of the HR & CE Department and a Scheme was framed for the administration of the temples in Rc.O.A.No.101/80/B1 dated 02.04.1983 by the Deputy Commissioner, HR and CE, Coimbatore. The said scheme has become final as an appeal filed against the same before the Commissioner, HR and CE was dismissed and the further statutory suit under Section 70 of the Act also came to be dismissed by the Sub Court, Sankari on 19.08.1993. This factum of the Scheme attaining finality has been observed by this Court in W.P.No.15877 of 2012 and W.P.No.3486 of 2019 and the matter has been settled. Thereafter, the scheme was published in the Government gazette also.

10. A suo-motu proceedings has been initiated in S.M.R.No.1 of 2021

> under Section 64(5)(a) of the HR and CE Act, 1959, where clarifications have been issued by order dated 09.06.2023 with regard to the Scheme of administration of the temples stating that the temples in question are not declared in the Scheme as a private one, but only the administration of the temple vests in the non-hereditary trustees appointed amongst the members of Mallaiya Naadu Vellala Gounder Vizhiya Kulathar community and the right of workship is common for all public. It was further clarified that the right of a particular community members to be appointed as Trustees will not deter the appointment of official Fit Person by the HR and CE Department.

11. Now looking at the suo-motu proceedings and the finality of the

Scheme framed in respect of this temple, this Court has no hesitation to hold that since the temples fall under Section 46(3) of the Act and is managed by Vizhia Kula Vellala community and the Scheme as per O.A.No.101 of 1980 has been framed as such, the demand of the petitioner that the trustees should be appointed as per Section 47(1)(c) and 64 of the Act is not sustainable. Hence, the impugned Notifications dated 25.07.2023 issued by the third and fourth respondents cannot be interfered with by this Court.

12. Accordingly, these Writ Petitions are dismissed. However, liberty

is granted to the petitioners to challenge the order in O.A.No.101 of 1980 dated 04.01.1983 before the concerned Authority in the manner known to law. There shall be no order as to costs. Connected miscellaneous petitions are closed. 10.03.2026 NCC: Yes / No Index : Yes / No Speaking Order : Yes / No ssb

To 1.The Secretary, Tourism, Culture and Religious Endowments Department, Government of Tamil Nadu, Secretariat, Fort St.George, Chennai-600 005. 2.The Commissioner, Hindu Religious and Charitable Endowments Department, No.119, Uthamar Gandhi Salai, Nungambakkam, Chennai-600 034. 3.The Joint Commissioner, Hindu Religious and Charitable Endowments Department, 2-F, Chinna Muthu Veedhi, Erode District. 4.The Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Collector Office Compound, Namakkal District.

M.DHANDAPANI, J.

ssb 10.03.2026

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