

Commissioner, vs M.Jagadeesan,

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Court : Chennai

Decided On : Sep-22-2025

Judge : Honourable Mr.Justice S. Sounthar

Appeal No. : AS/1042/2007

Appellant : Commissioner,

Respondent : M.Jagadeesan,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

A.S.Nos.1042, 1043 and 1044 of 2007: Commissioner, Hindu Religious and Charitable Endowments Department, Chennai.34. ... Appellant vs. 1.M.Jagadeesan 2.Panchatcharam 3.S.Arumugam 4.S.Thirunavakarasu 5.S.Venkatesan 6.S.Karthigeyan ... Respondents COMMON PRAYER: These First Appeals filed under Sections 75(2) or 75(c)(2) of the Hindu Religious and Charitable Endowments Act, 22 of 1959, to set aside the

judgment and decree passed in O.S.Nos.102, 103 and 104 of 1991, dated 25.11.2004 on the file of Sub-Judge, Arani, Tiruvannamalai District.

For Appellant : Mr.N.R.R.Arun Natarajan Special Government Pleader
For R2, R3, R5 and R6 : Mr.S.Rajesh Ramanathan Legal Aid Counsel
For R1 and R4 : Died (Dismissed vide order dated 10.02.2023)
A.S.No.1045 of 2007: Commissioner, Hindu Religious and Charitable Endowments (Admn) Department, Nungambakkam High Road, Chennai.600 034. ... Appellant vs. 1.Panchatcharam 2.S.Arumugam 3.B.Thirunavukarasu 4.S.Venkatesan 5.S.Karthigeyan 6.M.Jagadeesan ... Respondents PRAYER: This First Appeal filed under Sections 75(2) or 75(c)(2) of the Hindu Religious and Charitable Endowments Act, 22 of 1959, to set aside the judgment and decree passed in O.S.No.103 of 1998, dated 25.11.2004 on the file of Sub-Judge, Arani, Tiruvannamalai District.

For Appellant : Mr.N.R.R.Arun Natarajan Special Government Pleader
For R1, R2, R4 and R5 : Mr.S.Rajesh Ramanathan Legal Aid Counsel
For R3 and R6 : Died (Dismissed vide order dated 10.02.2023)

COMMON JUDGMENT

The First Appeals in A.S.Nos.1042, 1043, 1044 and 1045 of 2007 are filed against the common judgment and decree passed in O.S.Nos.102, 103 and 104 of 1991 and O.S.No.103 of 1998, dated 25.11.2004 by the Sub Court, Arani, Thiruvannamalai District.

2. The First Appeals in A.S.Nos.1042, 1043 and 1044 of 2007 are

arising out of suit filed by the 1st respondent-M.Jagadeesan in O.S.Nos.102, 103 and 104 of 1991 challenging the order passed by the Appellant/Commissioner of Hindu Religious and Charitable Endowments Department in A.P.Nos.64 and 65 of 1987 and A.P.No.33 of 1987. The First Appeal in A.S.No.1045 of 2007 is a separate appeal filed by

plaintiffs in O.S.No.103 of 1998.

3. It is the case of the respondents herein that the suit Temples namely

Arulmigu Srinivasamurthy Temple and Pillaiyar Temple situated in Perumal Koil Street, Saidapettai, Arni Town and Taluk, Thiruvannamalai District have been in administration of their family for the past three generations. The plaintiff in O.S.Nos.102, 103 and 104 of 1991 namely M.Jagadeesan instituted original applications in O.A.Nos.49 and 50 of 1982 on the file of the Deputy Commissioner (Judicial), H.R. And C.E.Admn. Department, Madras-34, seeking declaration under Section 63(b) of Tamil Nadu Hindu Religious and Charitable Endowments Act 22 of 1959 that the Trusteeship of the above mentioned Temples was Hereditary. The said applications were dismissed by Deputy Commissioner by common order dated 01.10.1985. Aggrieved by the same, he preferred appeals before the appellant in A.P.Nos.64 and 65 of 1987. The other respondents, who are all claiming themselves as cousin brothers of M.Jagadeesan preferred an appeal in A.P.No.33 of 1987. The appeal filed by other respondents herein in A.P.No.33 of 1987 was dismissed by the appellant by a detailed order dated 16.05.1989. In view of the dismissal of the said appeal, the other two appeals filed by the said M.Jagadeesan in A.P.Nos.64 and 65 of 1987 were dismissed by way of non-speaking order. Aggrieved by these three orders,

the said M.Jagadeesan filed three statutory suits in O.S.Nos.102, 103 and 104 of 1991. The other respondents filed a separate statutory suit in O.S.No.103 of 1998 challenging the dismissal of their appeal by the appellant in A.P.No.33 of 1987.

4. Since the issues involved in all these suits were common, all the suits were tried together and disposed by way of common judgment and decree.

5. The Trial Court granted a decree setting aside the order passed by

the appellant and declared that the plaintiffs in the suits namely the respondents herein have been acting as 'Hereditary Trustees' of the suit Temples. Aggrieved by

the said common judgment and decree, the Commissioner, Hindu Religious and Charitable Endowments Department has preferred all these appeals.

6. According to the respondents/plaintiffs, the suit Temples have been under the effective control of the members of the plaintiffs' family for several years. It was claimed by above mentioned M.Jagadeesan that his

grandfather-Alala Sundara Mudaliar and his father Meenakshisundara Mudaliar acted as Trustees of the Temples before him. Therefore, according to him, the Temples have been in effective control of his family members for the past three generations and hence, he sought for a declaration that the Trusteeship of Temples was Hereditary in nature.

7. The other respondents, who filed O.S.No.103 of 1998 also claimed

that though origin of the temples were lost in antiquity, the temples have been under effective control of their family members and ancestors ever since its inception. It was their specific case that their forefathers namely Arumugam and Somasundaram Mudaliar acted as Trustees of the suit Temples and hence, they have also sought for declaration in their favour.

8. The appellant herein filed a written statement and specifically

denied the claim made by the plaintiffs that the suit Temples have been under effective control and management of plaintiffs' family. It was claimed by the appellant that the documents filed by the plaintiffs only indicate that an Independent Trust was found and they had no right over the management of the Temples. It was also claimed that there was no evidence to show that

the suit Temples had been under the control and management of the plaintiffs' family for more than three generations and hence, they sought for dismissal of the suits.

9. The Trial Court based on the above pleadings of the parties, framed the following issues for consideration:-

1/ ,e;j tHf;if el;j ,e;ePjpkd;wj;jpw;F mjpfhuk; cs;s;jh? 2/ jhthttpw;F Kd;djh
80 c/tp/K/r/nehl;OR bfhLf;fg;gl;jh? 3/ mry; tHf;F vz;/102-91. 103-91. 104-
91 cs;s thjpahdth; guk;giu jh;kfh;j;jh vd;w chpikia nfhUtJ rhpahdjh? 4/
mry; tHf;F vz;/103-98y; cs;s thjpahdth; guk;giu jh;kfh;jj; h vd chpik nfhUtJ
rhpah? 5/ ,e;J mwepiya Mizah; tH';fpa cj;jut[V/gp/64-87. 65-87 kw;Wk;
V/gp/37-87 ehs; 16/5/1989 bra;jij uj;J bra;a thjpfSf;F chpik cs;s;jh? 6/
thjpfSf;F ntW vd;d ghpfhuk; fpilf;ff;ToaJ?

10. Before the Trial Court, the plaintiff in O.S.Nos.102, 103 and 104 of 1991 namely Jagadeesan was examined as PW.1 and two other witnesses were examined on his side as PW.2 and PW.3 and 49 documents were

marked as Exs.A1 to A49. On behalf of the contesting 1st defendant/appellant, an Inspector of HR and CE Department was examined as DW.1 and 2nd plaintiff in O.S.No.103 of 1998 was examined as DW.2 and 3rd plaintiff in O.S.No.103 of 1998 was examined as D.W.3. On behalf of the defendants, 9 documents were marked as Exs.B1 and B9.

11. The Trial Court on appreciation of oral and documentary evidence

available on record, came to the conclusion that the plaintiffs established their right of Hereditary Trusteeship over the suit Temples and granted a declaration to that effect by setting aside the order passed by the appellant. Aggrieved by the same, the appellant has preferred these appeals.

12. The learned Special Government Pleader appearing for the

appellant would submit that absolutely there is no evidence available on record to suggest that the suit Temples have been under the administration of the plaintiffs' family for more than three generations and

hence, the Trial Court committed a serious error in granting declaration that the plaintiffs could be treated as 'Hereditary Trustees' of the suit Temples. The learned Special Government Pleader further submitted that the document produced

by the plaintiffs established only that plaintiffs' family endowed certain properties for doing religious services and they acted as the Trustees of the Independent Trust and absolutely there is nothing to suggest that they acted as Trustees of the suit Temples.

13. Mr.S.Rajesh Ramanathan, learned Legal Aid Counsel appointed

by this Court for the respondents 2, 3, 5 and 6 in A.S.Nos.1042, 1043 and 1045 of 2007 and respondents 1, 2, 4 and 5 in A.S.No.1045 of 2007 advanced arguments in support of the findings of the Trial Court by taking this Court to various documents marked before the Trial Court.

14. Based on the pleadings and arguments of respective counsel, the following points are arising for consideration in these appeals:-

(1) Whether plaintiffs in the suits established that the office of Trusteeship of suit Temples are Hereditary?

(2) Whether the appeals filed by appellant deserve to be allowed? Discussion on Point Nos.1 and 2:-

15. It is the specific case of the respondents/plaintiffs that the suit

Temples have been under the administration of the plaintiffs' family for more than three generations. In order to establish the said plea, the plaintiffs relied on Ex.A12 and Ex.B4. Ex.A12 is a Partition Deed entered in the plaintiffs' family.

16. A perusal of the same would suggest that there is a recital in the

said document that one S.A.Somasundara Mudaliar and S.A.Meenakshisundara Mudaliar and S.Arumuga Mudaliyar acted as

Trustees of the suit temples. Ex.A12 is a registered Partition Deed came into existence in the year 1958. Therefore, it can be treated as an old document and recitals contained therein can be safely relied on. The above mentioned S.A.Meenakshisundara Mudaliar is none other than the father of plaintiff in O.S.Nos.102/1991, 103/1991 and 104/1991 namely M.Jagadeesan. The above mentioned Arumugam is the 2nd plaintiff in O.S.No.103 of 1998 and Somasundara Mudaliyar is none other than father of said Arumugam.

17. From the Genealogy Chart marked as Ex.B1, it is clear that the

great grandfather of M.Jagadeesan namely Arunagiri Mudaliar had five sons namely Parijatha Mudaliar, Alaa Sundara Mudaliar, Rajaratham Mudaliyar, Somasundara Mudaliar and Nagarathina Mudaliar. The above mentioned M.Jagadeesan is great grandson of Arunagiri Mudaliar through his son Alala Sundara Mudaliar and grandson Meenakshisundara Mudaliar.

18. A perusal of Ex.A12 clearly established that Somasundara

Mudaliar, Meenakshisundara Mudaliar and Arumugam acted as trustees of the suit Temples. DW.1-Inspector of HR and CE Department clearly admitted in his evidence that the Temples are being managed by above mentioned M.Jagadeesan at present. Therefore, it is clear that the Temples have been in management of the plaintiffs' family for more than three generations. The recitals in Ex.A12 is fortified by Ex.B4, a book published in the year 1959 in memory of Somasundara Mudaliar. In the said book, it was clearly mentioned that Somasundara Mudaliar acted as Trustee of Saidapettai Srinivasaperumal Temple till his death.

19. Taking into consideration the Ex.A12 and Ex.B4 and evidence of

DW.1, the Trial Court rightly came to the conclusion that the temples have been under the control of the plaintiffs' family members for more

than three generations and therefore, plaintiffs in all the suits, who are all descendants of common ancestor-Arunagiri Mudaliar are entitled to a declaration that they were Hereditary Trustees of the suit Temples.

20. In view of the discussions made earlier, I am unable to accept the

submission made by the learned Special Government Pleader appearing for the appellant that there is no evidence available on record to suggest that the plaintiffs' family managed the suit temples continuously for three generations. Hence, the argument is repealed and judgment and decree passed by the Trial Court stand confirmed.

21. At this juncture, the learned Special Government Pleader

appearing for the appellant would submit that the plaintiffs at present abandoned the suit Temples and therefore, the Hindu Religious and Charitable Endowments Department is taking steps to administer the Temples. If the Hereditary Trustees abandoned the suit Temples, it is the duty of the Hindu Religious and Charitable Endowments Department to take necessary action in accordance with law under the provisions of Tamil Nadu Hindu Religious and Charitable Endowments Act. However, the appellant had not made out any case to interfere with the common judgment and decree passed by the Trial Court.

22. Accordingly, all these First Appeals are dismissed. No costs. 22.09.2025 Index : Yes/No Speaking order : Yes/No Neutral Citation : Yes/No dm To The Sub-Court, Arani, Tiruvannamalai District.

S.SOUNTHAR, J.

dm 22.09.2025

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