

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	19.02.2026
Pronounced On	:	02.04.2026

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CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.A(MD)Nos.25, 396, 397, 398 and 399 of 2025 and 198, 199, 209 and 210 of 2026
and
C.M.P(MD)Nos.2130, 2131, 2211, 2212, 3148, 3149,3151,191 and 192 of 2025

W.A(MD)No.25 of 2025

P.Seethalakshmi

Appellant

Vs

1.The Commissioner,
Hindu Religion and Charitable
Endowment Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

3.The Deputy Commissioner/
Executive Officer,
A/m. Pandimuneeswarar Temple,
Melamadai,
Madurai.

4.R.Lakshmi
5.Ponnupandian
6.P.Jal Veerapandi
7.R.Rajesh Pandi
8.Rishi Pandi



Respondents

9. Maruthapandi

(R9 is impleaded as per the order of this Court dated 05.12.2025 in C.M.P(MD)No. 786 of 2025)

10. P. Manikandan poojari

11. K. Ponnann poojari

12. R. Rebello poojari

(R10 to R12 are impleaded as per the order of this Court in C.M.P(MD)No.16681 of 2025)

13. P. Sivaji

14. S. Karthick

15. V. K. Pandian

16. P. Veeramalai

17. T. Sankar

18. N. Valli

19. R. Anusankari

20. R. Priya

21. P. M. Chellapandi poojari

22. P. M. Pandiyarajan poojari

23. P. M. Jegadesh Pandian

24. R. Saravana Pandian

25. V. Aarthi

26. P. Malathi

Respondents

(R13 to R26 are impleaded as per the order of this Court dated 19.02.2026 made in C.M.P(MD) No.366 of 2026)

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.8184 of 2022.

For Appellant : M/s.J.Anandhavalli

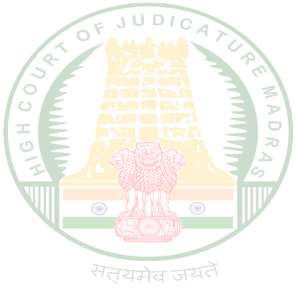
For R1 & R2 : Mr.R.Baskaran,

Additional Advocate General

Assisted by Mr.J.Ashok,

Additional Government Pleader

For R4 & 8 : M/s.J.R.Annie Abinaya



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For R7 : M/s.A.V.Arun
for
Mr.S.M.Arun Kumar
For R9 : Mr.S.Bageerathan
For 10 to 12 : Mr.V.Meenakshi Sundaram
for
M/s.D.Deepamathi
For R3, 5 & 6 : No appearance

W.A(MD)No.198 of 2026

Dhanam

Vs

Appellant

1.The Commissioner,
Hindu Religion and Charitable
Endowment Administration Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Administration Department,
Madurai.

3.Aarthi.V
4.Pandeeswari
5.Pandiyarajan.P.M
6.Ponnu Pandian
7.Lakshmi.R
8.Jayaveerapandi
9.Rishi Pandi
10.Rajesh Pandi

Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.6114 of 2024.



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For Appellant(s) : Mr.A.V.Arun
for
M/s.S.M.Arun Kumar
For R1 & R2 : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader
For R3 : Mr.Meenakshi Sundaram
for
M/s.D.Deepamathi

W.A(MD)No.199 of 2026

Dhanam

Vs

Appellant

1.The Commissioner,
Hindu Religion and Charitable
Endowment Administration Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Administration Department,
Madurai.

3.Aarthi.V
4.Pandeeswari
5.Pandiyarajan.P.M
6.Ponnu Pandian
7.Lakshmi.R
8.Jayaveerapandi
9.Rishi Pandi
10.Rajesh Pandi

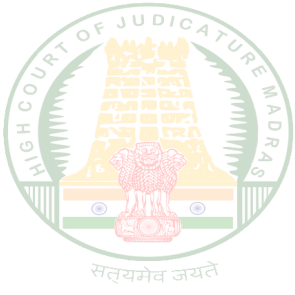
Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court



dated 10.12.2024 in WP(MD). No.6113 of 2024.

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For Appellant(s) : Mr.A.V.Arun
for
M/s.S.M.Arun Kumar
For R1 & R2 : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader
For R3 : Mr.Meenakshi Sundaram
for
M/s.D.Deepamathi

W.A(MD)No.209 of 2026

P.Pandeeswari

Appellant

Vs

1.The Commissioner,
Hindu Religion and Charitable
Endowment Administration Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Administration Department,
Madurai.

3.P.M.Veerapandi
4.Mrs.Dhanam
5.Aarthi.V
6.Pandiyarajan.P.M
7.Ponnupandian
8.Lakshmi.R
9.Jayaveerapandi
10.Rishi Pandi
11.Rajesh Pandi

Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.5676 of 2024.

For Appellant : Mr.J.R.Anniee Abinaya

For R1 & R2 : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader

For R5 : Mr.V.Meenakshi Sundaram
for
M/s.D.Deepamathi

W.A(MD)No.210 of 2026

P.Pandeeswari

Appellant

Vs

1.The Commissioner,
Hindu Religion and Charitable
Endowment Administration Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Administration Department, Madurai.

3.P.M.Veerapandi

4.Mrs.Dhanam

5.Aarthi.V

6.Pandiyarajan.P.M

7.Ponnupandian

8.Lakshmi.R

9.Jayaveerapandi

10.Rishi Pandi

11.Rajesh Pandi

Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.5675 of 2024.

For Appellant(s) : Mr.J.R.Anniee Abinaya

For R1 & R2 : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader

For R5 : Mr.Meenakshi Sundaram
for
M/s.D.Deepamathi

W.A(MD)No.396 of 2026

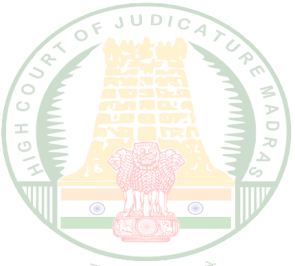
V.Aarthi

Appellant
Vs

1.The Commissioner,
Hindu Religion and Charitable
Endowment Department,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

3.P.M.Veerapandi
4.Mrs.Dhanam
5.P.Pandeeswari
6.Pandiyarajan.P.M
7.Ponnupandian
8.Lakshmi.R
9.Jayaveerapandi
10.Rishi Pandi
11.Rajesh Pandi



Respondents

12.P.M.Chellapandi

13.Saravana Pandian

14.Rebello

Respondents

(R12 to R14 are impleaded as per the common order dated 18.07.2025 made in C.M.P(MD)No.3231 and 3623 of 2025)

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.31355 of 2023.

For Appellant : Mr.V.Meenakshi Sundaram
for
M/s.Deepamathi

For R1 & R2 : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader

For R4 : Mr.A.V.Arun
for
M/s.S.M.Arun Kumar

For R5 : M/s.J.R.Annie Abinaya
For R12 to R14 : M/s.J.Anandhavalli

W.A(MD)No.397 of 2026

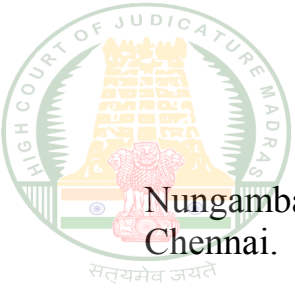
M.Jagadeesh Pandian

Vs

Appellant

1.The Secretary to Government,
Tourism, Culture and Religious
Endowment (RE3.1) Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner,
Hindu Religion and Charitable
Endowment Department,



Nungambakkam,
Chennai.



3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

4. Arulmighu Pandi Muneeswarar Thirukovil,
Represented by its Managing Trustee,
Melamadai,
Madurai.

5. Indira Ammal

5th Respondent

6. Ponnu Pandian

7. R. Lakshmi

8. Jayaveerapandi

9. Rishi Pandi

10. Rajesh Pandi

11. P. M. Chellapandi

12. Saravanapandian

13. Rebello

14. P. M. Pandiarajan

*(R6 to R14 are impleaded as per the common order
of this Court dated 18.07.2025 in C.M.P(MD)
Nos.3231 and 3623 of 2025)*

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.16375 of 2023.

For Appellant(s) : Mr. J. Anandhavalli

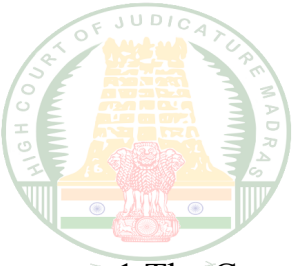
For R1 to R3 : Mr. R. Baskaran,
Additional Advocate General
Assisted by
Mr. J. Ashok,
Additional Government Pleader

For R5 : Mr. S. M. Arun Kumar

W.A(MD)No.398 of 2026

V. Aarthi

Appellant



Vs

1. The Commissioner,
Hindu Religion and Charitable
Endowment Department,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

3. The Board of Trustees
Arulmighu Pandimuneeswarar Temple,
Melamadai, Madurai-625 020,
Through its Managing Trustee
Ponnu Pandian

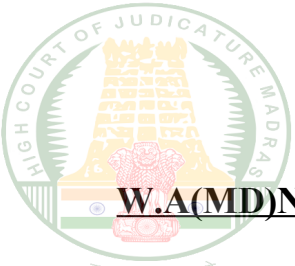
4. Mrs. Dhanam Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.31356 of 2023.

For Appellant(s) : Mr.V.Meenakshi Sundaram
for
M/s.D.Deepamathi

For R1 & R2 : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader

For R4 : Mr.A.V.Arun
for
M/s.M.Arun Kumar



W.A(MD)No.399 of 2026

V.Aarthi

Appellant

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Vs

1.P.M.Pandiarajan

2.The Commissioner,
Hindu Religion and Charitable
Endowment Department,
Nungambakkam,
Chennai.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

4.R.Lakshmi

5.Ponnu Pandian

6.Jayaveerapandi

7.Rajesh Pandi

8.Rishi Pandi

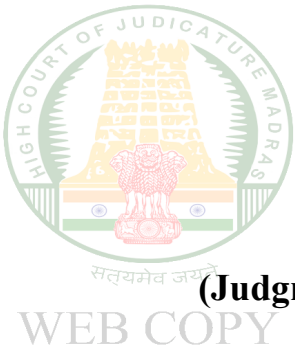
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court dated 10.12.2024 in WP(MD). No.31327 of 2023.

For Appellant(s) : Mr.V.Meenakshi Sundaram
for
M/s.D.Deepamathi

For R1 : Mr.K.Ashik

For R2 & R3 : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader



COMMON JUDGMENT

(Judgment of the Court was delivered by K.K.RAMAKRISHNAN. J.,)

Prelude:

“Religion is not a cloak for enrichment, nor can piety be promoted for pecuniary gain. This case typifies the fable of monkeys fighting over bread: the priests of the shrine of Pandi Muni, revered as the sentinel spirit of Madurai, are squabbling over the division of devotees’ plate offerings and hundi collections, not to serve God but solely for their own personal gain and luxurious, lavish lifestyles. These disputes have now transformed into number of costly litigations, polluting the religious atmosphere. one such is present litigation relating to issue of hereditary poosariship”

2. The batch of writ appeals have arisen out of common judgment passed by the writ Court in batch of writ petitions filed by the appellants challenging the various impugned orders, wherein, their hereditary poosari right of Arulmighu Pandi Muneeswarar Temple, Melamadai, Madurai, were declined by the authorities of Hindu Religious and Charitable Endowments Department vide various impugned orders and confirmed by the writ Court vide impugned judgment dated 10.12.2024.



2.1. For better appreciation of the case, this Court has tabulated the following particulars of the orders impugned before the writ Court and corresponding writ appeals:

<i>Name of the appellants in W.A.</i>	<i>Prayer in Writ Appeal</i>	<i>Writ Petition Number and Prayer</i>	<i>Impugned order</i>
V.Aarthi W.A.(MD).No. 396 of 2025	396 of 2025 To set aside the judgment dated 10.12.2024 in W.P.(MD).No. 31355 of 2023, on the file of this Court.	W.P.(MD).No.31355 of 2023 To issue writ of certiorari calling for the records relating to the impugned order dated 19.12.2023 in Sua Motu Revision 3/2018, D2, passed by the 1 st respondent and to quash the same	impugned order dated 19.12.2023 in Sua Motu Revision 3/2018, D2, passed by the 1 st respondent
V.Aarthi W.A. (MD).No. 398 of 2025	398 of 2025 To set aside the order dated 10.12.2024 passed by W.P. (MD).No.31355 of 2023.	W.P.(MD).No.31355 of 2023 To issue writ of certiorari calling for the records relating to the impugned order dated 19.12.2023 in Sua Motu Revision 3/2018/D2 passed by the first respondent	impugned order dated 19.12.2023 in Sua Motu Revision 3/2018/D2 passed by the first respondent
V.Aarthi W.A.(MD).No. 399 of 2025	399 of 2025 To set aside the order dated 10.12.2024 passed by W.P. (MD).No.31327 of 2023.	W.P.(MD).No.31327 of 2023. To issue writ of certiorari calling for the records pertaining to the impugned order passed by the first respondent in R.P.No.71 of 2021/D2 dated 19.12.2023 and quash the same.	impugned order passed by the first respondent in R.P.No.71 of 2021/D2 dated 19.12.2023 and quash the same.
Dhanam W.A. (MD).No. 198 of 2025	198 of 2025 To set aside the order dated 10.12.2024 passed by W.P. (MD).No.6114 of 2024.	W.P.(MD).N.6114 of 2024 To issue writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1 st respondent herein in R.P.No.8 of 2021/D2 (Remanded), dated 19.12.2023	impugned order passed by the 1 st respondent herein in R.P.No.8 of 2021/D2 (Remanded), dated 19.12.2023
Dhanam W.A.(MD).No. 199 of 2026	199 of 2026 To set aside the order dated 10.12.2024 passed in W.P. (MD).No.6113 of 2024.	W.P.(MD).No.6113 of 2024 To issue writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1 st respondent herein in Sua-Motu Revision No.3 of 2018 D2, dated 19.12.2023	impugned order passed by the 1 st respondent herein in Sua-Motu Revision No.3 of 2018 D2, dated 19.12.2023
P.Pandeeswari W.A.(MD).No. 209 of 2026	209 of 2026 To set aside the judgment dated 10.12.2024 in W.P.(MD).No. 5676 of 2024, on the file of this Court.	W.P.(MD).No.5676 of 2024 To issue writ of certiorari calling for the records relating to the common impugned order dated 19.12.2023 in R.P.No.153 of 2021/D2 passed by the respondent and to quash the same.	impugned order dated 19.12.2023 in R.P.No. 153 of 2021/D2 passed by the respondent
P.Pandeeswari W.A.(MD).No. 210 of 2026	210 of 2026 To set aside the order dated 10.12.2024 passed in W.P. (MD).No.5675 of 2024	W.P.(MD).No.5675 of 2024 To issue writ of certiorari calling for the records relating to the common impugned order dated 19.12.2023 in Sua-Motu Revision 3 of 2018/D2 passed by the 1 st respondent and quash the same.	impugned order dated 19.12.2023 in Sua-Motu Revision 3 of 2018/D2 passed by the 1 st respondent



P.M.Jegadeesh Pandian W.A.(MD).No. 397 of 2025	397 of 2025 To set aside the judgment dated 10.12.2024 in W.P.(MD).No. 16375 of 2022, on the file of this Court.	W.P.(MD).No.16375 of 2022 Calling for the records relating to the impugned proceedings of the first respondent in G.O.Ms.No.139, Tourism Culture and Religious Endowments (R.E.3.1) Department confirming the proceedings of the 2 nd respondent R.P.No.347/2017/D2 dated 21.08.2018 confirming the proceedings of the 3 rd respondent dated 03.08.2017 in Na.K.A.No. 5218/2017/A1 and quash the same and consequently direct the 4 th respondent to permit the petitioner to perform his turn of pooja in the Temple Arulmighu Pandi Muneeswarar Thirukovil, Melamadai, Madurai to receive the due shares for his turn	impugned proceedings of the first respondent in G.O.Ms.No.139, Tourism Culture and Religious Endowments (R.E.3.1) Department confirming the proceedings of the 2 nd respondent R.P.No. 347/2017/D2 dated 21.08.2018 confirming the proceedings of the 3 rd respondent dated 03.08.2017 in Na.K.A.No. 5218/2017/A1
P.Seethalakshmi W.A.(MD).No. 25 of 2025	25 of 2025 To set aside the order dated 10.12.2024 passed in W.P. (MD).No.8184 of 2022 on the file of this Court.	W.P.(MD).No.8184 of 2022 Calling for the records relating to the impugned order passed by the 1 st respondent in R.P.No.145 of 2018 D2, dated 31.03.2022 and to quash the same	the impugned order passed by the 1 st respondent in R.P.No. 145 of 2018 D2, dated 31.03.2022 and to quash the same

3. Brief facts of Writ Appeal in W.A(MD).No.25 of 2025 filed by

P.Seethalakshmi:

3.1.The appellant have filed a writ petition in W.P.(MD).No.8184 of 2022 challenging the impugned order passed by the first respondent in R.P.No.145 of 2018 D2, dated 31.03.2022, with the following averments:

3.2.Arulmighu Pandi Muneeswarar Temple (hereinafter called for “Temple”) is a village Temple near Melamadai, Madurai declared as exempted temple as per the order passed by the first respondent board in O.S.No.453 of 1933 dated 05.09.1935. The said temple was administrated by its hereditary trustees and poojas were also performed by the hereditary trustees. Both trusteeship and poojai right are vested with the family members of the founders of the said temple. Originally the temple



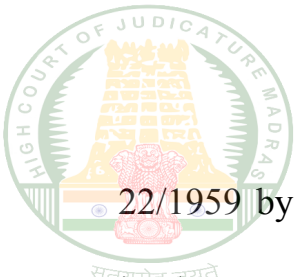
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was administrated by Valliammal who was founder of the temple. After her demise, her two sons, namely, Bothal poojai and Mahamuni Poojai administered the temple as hereditary trustees and performed the poojas. After their demise, legal heirs of Bothal poosari and Mahamuni poosari entered into a compromise to perform the poojas and to hold trusteeships. As per the compromise, the appellant's husband, namely, P.Pandiyan poosari became the trustee cum poosari for the temple and the pooja weeks were divided into ten weeks on rotation basis and it falls on every Thursday evening and it continues till next Thursday. This practice is in vogue and her husband Pandiyan poojai had been performing poojas and received all emoluments and offerings from the devotees by acting as a chief Managing Trustee of the temple, till his death on 12.11.2003. After his demise, she submitted application before the second respondent for recording herself as a trustee on the principle of next in line of succession under Section 54(1) of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959 (herein after called Act, **22/1959**). The first respondent vide order dated 04.12.2003, permitted her to perform pooja service for the weeks of Pandiyan poosari. The said order was not passed under Section 55(1) of the Act, 22/1959. The said order dated 04.12.2003 had been challenged by one Maruthupandi, claiming to be adopted son of her husband Pandiyan Poojai by way of appeal before the first respondent in A.P.No.19/2003/2 dated 06.05.2004 and the said order was challenged in W.P.No.14288 of 2004 before this Court. There was an interim order in the said writ petition wherein a direction



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was issued to share the offering by both. Aggrieved over the same, both the appellant and Maruthupandi had filed the writ appeal in W.A.No.1590 of 2011 and 1995 of 2011 and the same was heard together and the writ appeal filed by the appellant was allowed and writ appeal filed by the alleged adopted son Maruthupandi was dismissed. There was a direction issued against Maruthupandi to establish his right of adopted son before the civil Court and also direction was issued recognizing the appellant's poojai right and trusteeship till the establishment of the right of the Maruthupandi. Maruthupandi also preferred S.L.P, before the Hon'ble Supreme Court and the same was also dismissed. Thereafter, Maruthupandi filed suit in O.S.No.92 of 2013 on the file of the I Additional District Court, Madurai for the appropriate relief by impleading the appellant and departments also. The suit was decreed by judgment dated 15.03.2019. The appellant had filed appeal suit in A.S.No.62 of 2019 before this Court and also Maruthupandi filed Cross Appeal. (MD).No.3 of 2020 before this Court and both were heard together and this Court reserved the same for judgment. Pending civil litigation, she was enjoying the fruits of the plate collection and also received the proportionate share of the Hundi Collection as per the order passed in O.A.No.77 of 1980. While so, the Secretary to the Government initiated proceedings against the 8 hereditary trustees of the temple alleging misconduct by issuing charge memo dated 02.03.2016 and also kept under interim suspension in view of the misconduct pending enquiry. Following the same, a fit person was appointed by invoking the power under Section 45(1) of the Act,



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22/1959 by order dated 12.05.2016. Subsequently, on 13.05.2016, the 8 hereditary trustees were removed from the office and the same was challenged by them, in C.M.A., before this Court and the same was allowed by order dated 28.03.2017 and remanded to the Secretary to the Government for fresh disposal. In the meantime, on 16.03.2017, order was passed restraining all the poosaris from taking plate collections. The appellant challenged the said proceedings in O.S.No.83 of 2017, on the file of the Sub Court, Melur and obtained the interim stay of the operation of the order and hence, she continued as a poosari. Thereafter, on 15.06.2017, the appellant was removed from the post of poojai stating that she had attained age of superannuation on 28.02.2011 itself as per Rule 5 of the Tamilnadu Hindu Religious Institutions (Officers and Servants) Rules, 1964, (herein after called Rules 1964). The same was challenged by the appellant and this Court allowed the said writ petition, with a direction to issue notice and conduct enquiry after hearing the objection of the appellant and directed to pass suitable order. Subsequently, on 26.03.2018, she was called upon to show cause why she should not be relieved from the poosariship on the ground of superannuation. She had sought one month time for submission of the explanation in view of the pendency of the appeal before the Hon'ble Supreme Court wherein, she challenged the order passed by this Court in C.R.P.(MD).No.743 of 2017 wherein, this Court accepted the case of the department and stuck off the plaint filed by the appellant in O.S.No.83 of 2017 in which the appellant challenged the order of the department restraining her from taking plate



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collections. But, the third respondent passed the order on 26.07.2018 relieving her from poosariship. The said order was challenged by her in A.P.No.5 of 2018 before the second respondent under Section 55(4) of the Act 22/1959. The same was allowed by the second respondent and remanded the matter to the file of the original authority for fresh consideration. The said order was challenged by the appellant in R.P.No.135 of 2018 and there was no order of stay. Therefore, the third respondent/original authority issued notice for her appearance on 09.11.2018. Once again she has not appeared in view of the pendency of the revision. Therefore, on 13.11.2018. The order was passed relieving her from poojariship holding that she was not entitled to function as a poojari as he crossed the 60 years of Age as per Rule 5 of 1964. The appellant challenged the said order in R.P.No.145 of 2018. In the meantime, in S.L.P. filed by the removed hereditary trustees, the Hon'ble Supreme Court was pleased to set aside the proceedings of the authorities prohibiting the poosaris from receiving the plate collection and also appointed the respondent Nos.4 to 8 as trustees for the temple. The first respondent confirmed the order of the authority and dismissed the R.P.No.145 of 2018 dated 31.03.2022. The same was impugned before the writ Court in W.P.(MD)No.8184 of 2022.

4. Brief facts of Writ Appeal in W.A(MD).No.397 of 2025 filed by Jegadeesh Pandian:

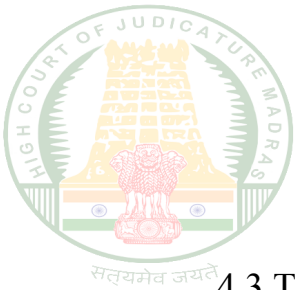
4.1. The appellant has filed a writ petition in W.P.(MD).No.16735 of 2022



challenging the impugned order passed by the first respondent in R.P.No. 347/2017/D2, dated 21.08.2018, confirming the proceedings of the third respondent dated 03.08.2017 in Na.Ka.No.5218/2017/A1 and consequential relief permitting him to perform his turn of pooja in the temple and receive the due share for his turn with the following averments:

4.2.Arulmighu Pandi Muneeswarar Temple (hereinafter called “Temple”) is a village Temple near Melamadai, Madurai declared as exempted temple as per the order passed by the first respondent board in O.S.No.453 of 1933 dated 05.09.1935. The said temple was administrated by its hereditary trustees and poojas were also performed by the hereditary trustees. Both trusteeship and poosariship was vested with the family members of the founders of the said temple. Originally the temple was administrated by Valliammal who was founder of the temple. After her demise, her two sons, namely, Bothal poojari and Mahamuni poojari administered the temple as hereditary trustees and performed the poojas. The said Mahamuni poosari had five wives, namely, Ulagammal, Sarojammal, Anandhavalli, Indhira and Dhanam. The second wife Sarojammal has no children and the remaining wives have children named hereunder:

<i>First wife Ulagammal</i>	<i>Second wife Sarojammal</i>	<i>Third wife Anandavalli</i>	<i>Fourth wife Indhira</i>	<i>Fifth Wife Dhanam</i>
Rajapoojari	No issues	Chellapandi poosari	(i)Porkai Pandian (ii)Jegadeesh Pandian (iii)Babu Pandian	(i)Pandiarajan (ii) Veerapandian

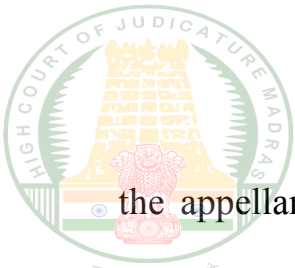


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4.3. The said Mahamuni poosari, executed a Will dated 16.08.1985, bequeathing his trusteeship and poosariship of his ten weeks turn in the following terms:

<i>Name</i>	<i>Turn</i>
Rajapoosari	First week
Chellapandi poosari	Second Week
(i)Porkai Pandian (ii)Jegadeesh Pandian (iii)Babu Pandian	Third Week
Pandiarajan	Fourth week
Sarojammal	Fifth Week

and the remaining week should rotate in the same manner. It is also provided in the said Will that after the demise of Sarojammal, her turn would pass or to all the above legal heirs on rotation basis. That being the arrangement, in the year 2007 Raja poosari had filed the suit in O.S.No.257 of 2007 disputing the other wives' status claiming that he alone is entitled for the entire poojai murai and share. The said suit ended in a compromise as if Sarojammal herself agreed to give her share to one of the sons of Rajapoosari, namely, Rebello after her demise. Subsequently, the said Sarojammal had filed suit in O.S.No.191 of 2008 to declare the said compromise decree in O.S.No.257 of 2007 as null and void. Similarly, P.M.Veerapandian also filed similar suit in O.S.No.43 of 2011. Sarojammal died on 12.04.2011 and hence, her suit was dismissed as abated and the other suit was pending. After the death of



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the appellant's brother Porkai Pandian, he was recorded as trustee cum poojai on behalf of his branch. But, his brother's wife Malathi, approached the third respondent to record her name as a trustee under Section 54(1) of the Act, 22/1959 and issue cheque towards her share without giving the same in the name of the appellant. The third respondent by order dated 28.11.2014 declined her request to record her as a trustee under Section 54(1) of the Act, 22/1959 but, ordered to issue cheque in her favour for her turn. In the meantime, the department as stated above in W.A. (MD).No.25 of 2025 appointed a fit person terminating the hereditary ship and ordered and stopped the payment of Hundi Income. Further, on 03.08.2017, the third respondent declined to consider his request dated 7.10.2016 to allow him to perform poojas on the ground that under Section 55(2) of the Act, 22/1959 hereditary succession to the poosariship had been abolished. The same was challenged by him in W.P.(MD).No.15029 of 2017 and this Court directed him to avail alternative remedy by order dated 20.09.2017 and the same was confirmed in W.A.(MD).No. 1321 of 2017. Thereafter, he filed revision before the second respondent in R.P.No. 347 of 2017 and the same was dismissed on 21.08.2018. He filed W.P.(MD).No. 2380 of 2018 challenging the same and subsequently withdrew it reserving his liberty to file review before the first respondent and the first respondent vide impugned G.O.Ms.No.139 dated 29.06.2022 dismissed the review also. Challenging the same, he filed the writ petition W.P.(MD).No.16735 of 2022. He also stated that some of the officials lodged false criminal case as if he committed theft of Hundi

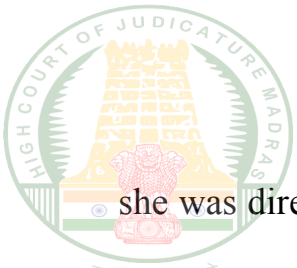


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Income and thereafter he got acquittal on 15.05.2016 in C.C.No.84 of 2016. He further stated that his wife Pandiammal had given request to permit her to do his turn of Poojas and filed the writ petition in W.P.(MD).No.10211 of 2018 seeking mandamus for the said relief and this Court passed interim order on 17.05.2018 and permitted her to do pooja and collection were ordered to be kept in a separate account. Pending writ petition, his mother Indhirani filed impleading petition to claim her independent right for performing poojas and for the respective share and this Court also passed the interim arrangement by order dated 14.11.2022.

5. Brief facts of Writ Appeal in W.A(MD).Nos.396, 398 and 399 of 2025 filed by Aarthi:

5.1. The appellant/Aarthi being wife of Veerapandi poosari, who was one of the son's of the fifth wife Mahamuni poojari namely, Dhanam, who was the appellant in W.A.(MD).Nos.198 and 199 of 2026 filed three writ appeals, challenging the dismissal of the writ petition filed by her in W.P.(MD).Nos.31327 of 2023, 31356 of 2023 and 31355 of 2023. Dhanam filed writ appeal in W.A.(MD).Nos.199 of 2026 against the dismissal of order in W.P.(MD).No.6113 of 2024 and W.A.(MD).No.198 of 2026 against the dismissal order in W.P.(MD).No.6114 of 2024. After the demise of Veerapandi poosari i.e., on 05.03.2020, she made a request on 07.09.2020 to make payment of Hundi share of her husband and after enquiry, the second respondent passed order on 21.12.2020 that she was entitled for her husband's Pooja turn and



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she was directed to pay Rs.50,000/- to her mother-in-law, namely, Dhanam. The said Dhanam filed the review petition before the first respondent in R.P.No.8 of 2021, challenging the order dated 21.12.2020. Aarthi also filed R.P.No.71 of 2021 stating that her request for the trustee under Section 54(1) of the Act, 22/1959 was not considered and 50% was arbitrarily fixed. Pandeewari, sister-inlaw of Aarthi, namely daughter of Dhanam and sister of the deceased Veerapandian filed R.P.No. 153 of 2021 challenging the order dated 21.12.2020. Common order was passed on 13.01.2023 dismissing all revisions with a direction to the Board of trustees to deposit the share of the deceased Veerapandian in a separate account till the disposal of the suo motu revision. The order was challenged in W.P.(MD).No.3167 of 2023 and the same was remitted back to the first respondent for fresh consideration with direction to give 25% of the amount of the Veerapandian to Dhanam. Pandiarajan brother of the deceased Veerapandian questioned the common order dated 13.01.2023 on the ground that the ladies could not be allowed to do pooja and he ought to have been permitted to do pooja for his brother's turn. The said writ petition in W.P.(MD).No.8093 of 2023 also was closed by order in W.P.(MD).No.3167 of 2023.

5.2. Aggrieved over the same, writ appeal in W.A.(MD).Nos.1046 of 2023, 1014 of 2023 have been filed seeking direction to dispose of the R.P.No.8 of 2021, 71 of 2021 and 153 of 2021 within a period of four weeks. The first respondent



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conducted an enquiry, and disposed the above revision along with the *suo motu* revision No.3 of 2018, wherein, the *suo motu* revision was taken up against the order passed in favour of the deceased Veerapandi on 29.11.2014 to disburse the Hundi share to him. Therefore, Aarthi filed W.P.(MD).No.31356 of 2023 questioning the order passed in R.P.No.71 of 2021 dated 09.12.2023. W.P.(MD).No.31355 of 2023 has been filed challenging the order passed in *suo motu* revision No.3 of 2018 dated 19.12.2023. W.P.(MD).No.31327 of 2023 has been filed challenging the order passed in R.P.No.71/ 2021/D2 dated 19.12.2023 and quash the same so far as the direction issued to the Chairman of Board of Trustees.

5.3.Dhanam has filed writ petition W.P.(MD).No.6113 of 2024 challenging the *suo motu* revision No.3 of 2018 dated 19.12.2023 and W.P.(MD).No.6114 of 2024 challenging the R.P.No.8/ 2021/D2 dated 19.12.2023.

5.4.Pandeeswari has filed writ petition in W.P.(MD).No.5675 of 2024 against the *suo motu* revision No.3 of 2018 dated 19.12.2023 and W.P.(MD).No.5676 of 2024 challenging the R.P.No.153/2021/D2 dated 19.12.2023.

6. In all the cases,the department filed counter affidavit's justifying the reasons stated in the impugned orders and stated that they are not entitled for the hereditary poosariship in view of the amendment under Section 55 of the Act, 22/1959



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abolishing the hereditary poosariship and the constitutional validity of the said amendment was upheld by the Hon'ble Supreme Court. So far as the claimant who had reached the age of 60 years are not entitled as superannuation age was fixed as 60 years as per the Rule 1964.

7. Since the issue was related to the applicability of the Section 55(2) of the Act, 22 of 1959 and the Rule 1964, the appellant in W.A.(MD).No.25 of 2025 impleaded all the persons who have the right of poosariships as well as hereditary trusteeship and this Court allowed the impleading petition and heard the matter in length requesting all the counsel to address whether the order passed by the department that hereditary trusteeship and the hereditary poosariship cannot be availed by the above temple is correct or not?

8. All the learned counsel representing the Trustees/Poosari's in one voice argued that they were not appointed under Section 55 of the Act, 22 of 1959 and they claimed the right under Section 54(1) of the Act, 22 of 1959 and their claim under Section 54(1) of the Act 22 of 1959 was considered and they were allowed to perform poojas under the dual capacity, namely, hereditary trustees and as poojai. Therefore, abolition of the hereditary poosariship has no application to the temple in question. They relied the judgment of this Court in the case of **Babugurukkal v. The Commissioner for HR& EC** reported in **1964 2 MLJ 384** and in the case of



Venkataraman vs. Thangappa Gounder reported in *AIR 1972 Madras 119 (DB)*

and argued that in the case of the village temples, the poosariship cum trusteeship always vested with the same family and descended from father to son. Likewise, in this case except the family of Valliammal no other person performed poojas. Therefore, they vehemently contended that the impugned order was passed without due application of the provision of law and the precedents cited supra. The writ Court also failed to consider the same in proper prospective.

8.1.The learned counsel also would submit that in the *Seshammal Case*, the Hon'ble Constitution Bench of the Supreme Court, specifically laid down the law that in the case of customs or usage established to claim hereditary poosariship, there is no scope for the applicability of the amended provision of abolition of the hereditary poosariship.

8.2.The learned counsel also would submit that Rules 1964 has no application to the present case for the reason that new Rule 2020 was brought by repealing the said Rule. Even otherwise, since they were not appointed as per Rule as a poosari the department has no right over the administration of the temple in question which was already exempted in the year 1935 from the purview of the Act.

8.3.Some of the learned counsels appearing for the female members of the



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family would submit that, the incongruous argument made by the male member of the family that female members has no right to perform the poojas in the temple is incorrect and also not legally sustainable. Earlier one Valliammal performed poojas and after demise other female members of the family were performing pooja as and when the turn of their family fall due as per the rotation.

9.The learned Additional Advocate General would submit that none of the appellants were appointed as a hereditary trustee of the temple. They used to apply after the death of their family members to recognize them as trustees. Those applications were considered, on few occasions and rest were rejected. So far as Seethalakshmi is concerned, she never was recognized as a trustee and her request to appoint her as a trustee was negated on earlier occasion and she was only allowed to collect the pooja amount and at no point of time she was allowed to act as a hereditary trustee. In this case, the subject temple is a notified public temple and the precedent relied upon by the learned counsel has no application to the present case. Only in case of small village temples, this Court on the based on facts had recognized the dual status, namely, hereditary trusteeship and poosariship.

9.1.The learned Additional Advocate General also would submit that Arulmighu Pandi Muneeswar Temple is located at the heart of the temple city Madurai and one of the landmarks for the city. Considering the large amount of the



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plate collection and Hundi collection and taking into account that huge number of devotees are thronging everyday, more particularly, on Tuesday's, Friday's, Saturday's and Sunday's and offer plate contribution and Hundi contribution to the tune of more than Rs.6,00,00,000/-(Rupees Six Crores) per year, the writ Court directed the department to make necessary arrangement in order to control the siphoning off the amount by the appellants and other private respondents. The learned Additional Advocate General also submitted that the impugned order passed by the department is in accordance with law and the same was properly considered by the writ Court and there are no grounds to interfere with the finding of the authorities confirmed by the writ Court.

10. One of the learned counsel for the appellant's also submitted that earlier the authorities removed the trustees on the charge of mismanagement and this Court directed the Secretary to the Government to consider the charges after giving adequate opportunities to all the trustees with a direction to manage the affairs of the temple with the committee constituted by the Hon'ble Supreme Court including one P.M.Chellapandi Poojai and Saravanapandian to manage the affairs till the disposal of the appeal filed by the Government. The same also was not properly considered by the writ Court.

11. This Court considered the rival submissions made on either side and



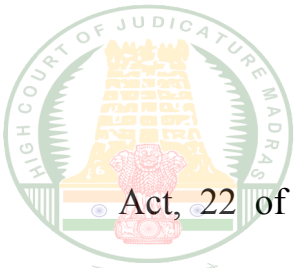
perused the materials available on records and the precedents relied upon by them.

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12. Discussion: *nature of the orders impugned before writ court*

The claim made by legal heirs of *Periyanan and Mahamuni poosaris* seeking a share in the hundi **collections** asserting a right of **hereditary poosariship over the temple** was declined. The departmental authorities further held that, in terms of the rule 1964 **Archakas and Poosaris are treated as servants of the temple and they are under the control of the department**, and the prescribed age of retirement for such servants is **60 years**. Consequently, none of the claimants can continue to assert rights beyond the said age. The impugned order also records that the reliance placed by the claimants upon the order passed in **O.A.No.77 of 1980 dated 11.10.1981** is misconceived. The said order was held to be **a judgment in personam and not a judgment in rem**, and therefore cannot confer enforceable rights upon the present claimants who were not parties to those proceedings.

12.1. At the outset, this Court expresses its dis-pleasure over the manner in which the litigations were filed by the appellants and other private respondents without correctly disclosing the relevant provision of the Act, 22 of 1959 and the material portion of the earlier order of this Court and for making misleading statement as if they had obtained orders recognizing them as hereditary trustees and misconceived the expression i.e., exempted temple without properly considering the



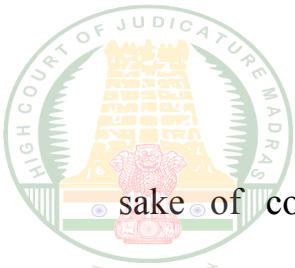
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Act, 22 of 1959. This Court also disheartened by the act of the authorities for, whenever they received application involving dispute of trusteeship, they without giving notice to the rival parties and without directing the parties to get civil Court orders, had passed orders presumably for extraneous consideration. This has forced rival parties to file revision petition and further appeal before the authorities and also writ petitions. With this observation, this Court frames the following points for determination:

(i) Whether the appellants and private respondents in W.A.(MD).No.25 of 2025 claiming right as legal heirs of Valliammal are entitled to continue as Poosaris, notwithstanding the proceedings of grave charge of mismanagement in view of the abolition of hereditary succession in poosariship as per the amendment to Section 55 of the Hindu Religious and Charitable Endowments Act, 1959, abolishing hereditary rights:

(ii) When the claim of the appellants as hereditary trustees of the present public Temple vested with the next line of successors of Valliammal under Section 54(1) of the Act, 22 of 1959, upon the demise of their branch representative, whether the HR & CE department is correct in passing the impugned order invoking provision of the 55 of the Act 22 of 1959 and Tamil Nadu Religious Servants Rules, 1964?

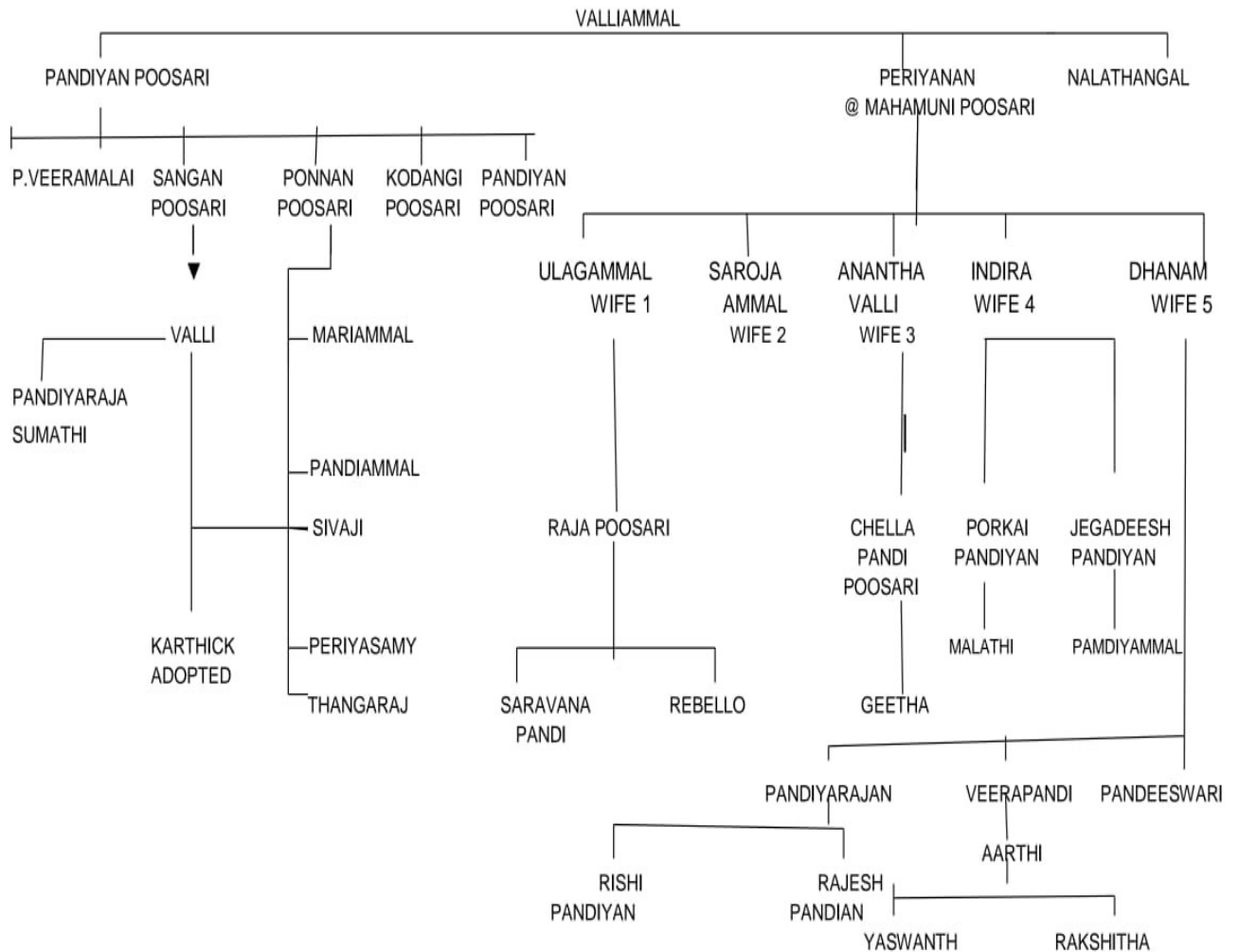
13. To decide the issue, the family tree of the appellants is necessary. For the



sake of convenience and discussion, the extract the family tree is provided

hereunder:

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14. Discussion: Section 54(1) of the Act, 22 of 1959 and the petitioners



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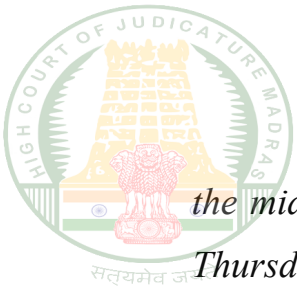
Arulmigu Pandi Muneeswarar Temple is situated at Mela Madai Village once the outskirts of Madurai Town. The origin of the temple and the village is not clearly known. However, records available from proceedings commencing from the year 1925 indicate that one Pandian Kodangi functioned as the sole trustee as early as from the year 1800. After Pandian Kodangi, the trusteeship was vested with Periyasamy. After the death of Periyasamy, the trusteeship has gone to his eldest son. Thereafter, the trusteeship passed on to Valliammal. There was a dispute whether the temple is public or private and the same was resolved in A.S.No.1 of 1925 on the file Additional Sub Judge, Madurai. The learned Additional Sub Judge, Madurai in A.S.No.1 of 1925 had held that temple was public temple and the trusteeship was with the members of the family though the succession to the office Poojari was not according to the law of Primogeniture. In the year 1933, on the basis of the report made by the Inspector of Hindu Religious and Charitable Endowments for Madurai District, the Board of the then HR&CE Department in its Memo in O.A.No.459 of 1933 dated 20.09.1933 directed notice to the poosari /trustee Valliammal, in view of the mismanagement of the temple as to why a proper trustee should not be appointed and other orders should not be passed in the interest of the temple. Valliammal appeared and denied the mismanagement and claiming that the temple was a excepted one as trusteeship was hereditary. *The Board accepted the contention and declared the temple is excepted temple and found no circumstances for framing a*



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scheme then and also directed that the trustees should maintain proper account and submit the same periodically for scrutiny of the board and administer the temple affairs without giving room to any complaint and failing to do so which proceedings for settlement of a scheme will be initiated. Therefore, the temple came under the control and supervision of the Board from 1935 onwards. After Valliammal her two sons namely, Pandian @ Botha poosari and Periyannan @ Mahamuni Poosari acted as trustees on rotation basis. Pandian @ Bodha poosari died and hence, there was dispute between the Periyannan @ Mahamuni poosari and the male lineal descendants of Pandian @ Bodha poosari. Subsequently, the mis-mangement continued and the proceedings were initiated by the Department of HR&CE and the same was challenged before the Principal Bench of Madras High Court and the claim of the then trustees was rejected and the W.A.No.487 of 1969 was also filed. Pending the same, the son of Pandian poosari, namely, P.Veeramalai had filed the suit to declare his right of hereditary trusteeship by impleading the legal heirs of Pandian poosari and Periyannan @ Mahamuni poosari and other minor legal heirs of the Srimnathi Mariyammal, namely, wife of the second son of Pandian poosari and in the said Suit in O.S.No.383 of 1973 compromise decree was passed and the terms of the compromise are as follows:

That the plaintiff, defendants 1, 3,4, 5 and defendants 6 to 10 heirs deceased 2nd defendant are entitled to perform Pujas and other services at Sri Pandi Muniswarar Temple Melamadai in Murai in turn once in ten weeks by cycle as mentioned here under commencing from



the mid night of every Thursday and ending with the mid night of next Thursday.

WEB COPY 2. *that the plaintiff shall hold the above said murai for one week commencing from the mid-night of every Thursday and ending with mid-night of next Thursday; and*

3. *then in the same manner next week the 6th defendant for one week; and*

4. *then in the same manner' next week the 1st defendant for one week; and*

5. *then in the same manner next week the 5th defendant for one week; and*

6. *then in the same manner next week the defendants 6 to 10 (L.Rs. of deceased 2nd defendant) for one week; and*

7. *then in the same manner next week the 5th defendant for one week; and*

8. *then in the same manner next week the 3rd defendant for one week; and*

9. *then in the same manner next week the 5th defendant for one week; and*

10. *Then in the same manner next week the 4th defendant for one week; and*

11. *then in the same manner next week the 5th defendant for one week; and*

12. *thus the plaintiff again. to start the cycle as mentioned above as per clause 2 of the compromise, for the weekly puja.*

13. *that the above said murai holders are entitled to get all incomes including Hundai collections during their puja murai, subject to the result in W. A. No. 487/69 on the file of High Court for Hundai*



collections and the said murai holder incurs all expenses necessary for temple in his particular week and he is also liable for common items of expenditure, if any, in respect of the temple.

14. That the plaintiffs, defendants 1, 3,4,5 and 6 to 10 (L.Rsof deceased 2nd defendant) are entitled to perfolin the Annual Chitra Festival services of puja for 10 days as mentioned hereunder commencing from the Chitra Festival of 1974.

15. That the 5th defendant shall hold the above said Chitra Festival Annual puja for five years continuously commencing from the Chitra Festival of 1974; and

16. then in the same manner next year 1979 the plaintiff for one year; and

17. then in the same manner next year the 1st defendant for one year; and

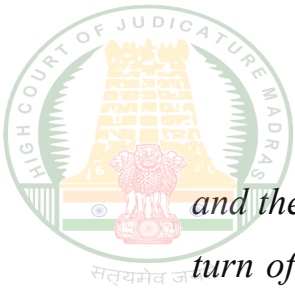
18, then in the same manner next year the defendants 6 to 10 the L.Rs of deceased 2nd defendant for one year; and

19. Then in the same manner next year the ard defendant for one year; and

20. then in the same manner, next year the 4th defendant for one year and thus the 5th defendant again to state the cycle as mentioned above as per clause 4 of the compromise, for 4 annual Chitra Festival puja.

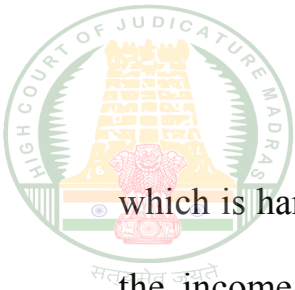
21. That the Murai holders, mentioned in clause 4 of the decree, are entitled to get all incomes in their turns during the Annual Chitra Festival Puja.

22. That at the time of weekly turn puja, if chitra festival annual puja falls, the concerned weekly turn muraidar shall give up his turn, to the muraidar of the Chitra Festival puja as per clause 4 of the decree



and the weekly muraidar, no has given up his turn, shall enjoy the weekly turn of the muraidar who has conducted the chitra festival annual turn when it occurs; and That the Chitra Festival Muraidar alone entitled to get the rent from shops and the usufructous from the trees as per murai mentioned in clause 4 of the decree; and Each parties do bear their own costs.

14.1. Subsequently, Suit in O.S.No.570 of 1974 was filed against the department for mandatory injunction and recovery of Hundi collection by the trustees regarding the Hundi income stating that they have the beneficial interest in the income of the temple. The suit was dismissed and the appeal suit also was dismissed and Second Appeal was filed in Second Appeal No.1397 of 1978. Pending the Second Appeal C.M.P.No.181 of 1982 had been filed for issuance of appropriate direction enabling the trustees to have 2/3 of the receipt from Hundis “as their remuneration for rendering service as poosari” and the said application was dismissed on 02.04.1980 with direction to file application before the Deputy Commissioner of the Department of HR & CE under Section 63 of the Act, 22 of 1959. In the said application it is stated that 6 hereditary trustees cum poosaris are dividing their poosari turn into 10 shares and 5 shares each to Periyannan @ Mahamuni group and 5 shares each to the legal heirs of the Botha poosari, namely, P.Sangan, P.Mariamammal. P.Kodangi, P.Pandian, P.Veeramalai. In the said petition it is stated that during the said pooja turn they got only very meagre plate collection



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which is hardly sufficient for their livelihood. The Deputy Commissioner considered the income on that date namely, Rupees 1500 + 17450 and found that the said amount includes the remuneration of the poosari and all the paditharam expenses, therefore, the same was low comparing to the service rendered by them. After considering the entire facts and circumstances of the case, the Deputy Commissioner passed the following orders:

Therefore, the next question is what the quantum of the share that may be fixed. The counsel for the petitioners contends that there are ten share holders in the pooja right and that each share got monthly an income of Rs.145/- only per month if 2/3 two thirds of the income is fixed as remuneration. This arguments of the counsel is reasonable, having regard to the various decisions stressing the need to fix a definite remuneration out of the income of the temple and also having regard to the probable increase that may come to ensuing fasli. I am inclined to fix one half of the income by way of Hundai (cash only) as the remuneration of the poosaries instead of the monthly salary or time scale of pay, subject to the conditions that the petitioner would be entitled, this share no long as they do their service properly, faithfully and also subject to the further condition that the expenses of paditharan like coconuts for land for archakas etc., shall be set by the personally.

14.2.The said order of the Deputy Commissioner was taken as suo motu revision No.12 of 1992 and notice dated 17.11.1992 was issued from the office of



the Commissioner of HR & CE and the same was challenged in W.P.No.13 of 1992 and this Court affirmed the jurisdiction of the Commissioner and permitted the trustees to agitate the matter before the Commissioner and the relevant paragraph is as follows:

19. In fine, Commissioner is entitled to proceed with the impugned suo motu proceedings (i) as and when interest of the public relating to the affairs of the respective temple requires such action (ii) the condition imposed in the order dated 08.05.1981 was violated and (iii) any change of circumstances in the affairs of the temple requires revisional authority to re-open the matter.

14.3.Pending the above proceedings, Periyannan @ Mahamuni poosari died bequeathing his right of hereditaryship and poosariship in favour of all his legal heirs of his four wives and his second wife who had no children by Will dated 16.08.1985.

பாண்டிமுனிஸ்வரர் கோவில் சம்பந்தமாக நான் அனுபவித்து வரும் பரம்பரை டிரஸ்டி ரூ புசாரி பாத்தியதை விசயமாக என் ஆயுள் காலத்திற்கு பின் மேற்சொன்ன என் மக்களிடையே வீண் தாக்கம் தகராறுகள் ஏற்படாது இருக்கும் பொருட்டு இந்த உயில் சாசனத்தை எழுதிவைத்துள்ளேன்.

14.4. Thereafter, mismanagement continued and hence HR&CE Department issued show cause notices to eight of the hereditary trustees of temple calling upon them to cause why an action under Section 53 of the Act should not be taken against them for serious irregularities and defects in the administration of the temple. One of



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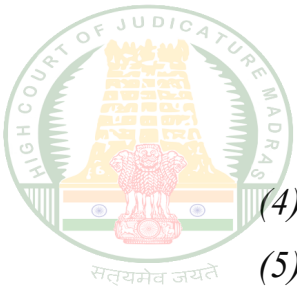
the trustees Saravana Pandian raised a point that the Government has no power to take action under section 53 of the Act and thereafter Government issued a show cause notice by framing the 12 charges by proceedings dated 02.03.2016 and also passed the order of temporary suspension of hereditary trustees vide G.O.Ms.No.41 dated 02.03.2016 and also consequentially appointed a fit person for the temple in question vide G.O.Ms.No.42, dated 02.03.2016. All the orders had been challenged by the trustees before this Court and this Court has held that in the peculiar facts and circumstances of the case of the grave mismanagement of the temple money, confirmed the order of the Government. Challenging the same, Appeal was filed before the Hon'ble Supreme Court and the Hon'ble Supreme Court passed the following orders in the C.A.No.803 of 2020 dated 29.01.2020?:

"Accordingly, Mr.Srinivasan, learned Additional Advocate General, states that the Commissioner, Hindu Religious and Charitable Endowments Department shall issue a notice to the hereditary trustee(s) under the provisions of the Act calling upon them to show cause why a fit person should not be appointed after passing of the impugned judgement(s) and order(s) by the High Court.

Order accordingly.

In the meanwhile, pending decision on the show cause notices, we consider it appropriate that a Committee of the following persons shall manage the temple and trust instead of the Executive Officer:

- (1) Mrs.R.Lakshmi, W/o.Mr.Raja Poosari*
- (2) Mr.Ponnu Pandian, S/o.Mr.Sivaji Poosari*
- (3) Mr.Jayaveera Pandi, S/o.Mr.V.K.Pandian*



(4) *Mr.Rajesh Pandi, S/o.Mr.Ramesh Poosari*

(5) *Mr.Rishi Pandi, S/o.Mr.Pandiarajan*

WEB COPY *At this stage, Mr.Srinivasan, learned Additional Advocate General, states that a scheme has already been framed under Section 64 of the Act. However, it is obvious that the validity or otherwise of the scheme is not the subject matter of these proceedings. We decline to comment on that at this stage.*

We further direct that the proceedings may be completed as soon as possible preferably within a period not later than three months from today.

These appeals are disposed of in the above terms.

Civil appeal Nos.804-805/2020 (@SLP © Nos.28484-28485/2017) and Civil Appel Nos.811-812/2020 (@SLP (C).Nos.30698-30699/2018)

Leave granted.

In view of the order passed today in Civil Appeal No.803/2020 (@SLP(C) No.18818/2018) and connected matters, we consider it appropriate to set aside the office Memo dated 16.03.2017 regarding the plate collection.

Order accordingly.

The appeals are disposed of in the above terms.

Contempt Petition (C).No.2094/2018 in Civil Appeal Nos.808-809/2020 (@SLP(C) Nos.20533-20534/2018) and Contempt Petition (C) No.434/2019 in Civil Appeal No.803/2020 (@SLP(C).No.18818/2018)

In view of the order passed today in Civil Appeal No.803/2020 (@SLP(C) No.18818/2018) and connected matters, the contempt petitions are disposed of. "

14.5. Thereafter, the order was passed by the Government by order justifying termination. Therefore, batch of statutory appeals under the Act had been filed before



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this Court in C.M.A.(MD).No.1038 of 2024 etc., and this Court deleted some charges and remitted the matter to the Government to consider the case of the trustees after providing sufficient opportunities and the same was pending. Therefore, as on date as per the order of the Hon'ble Supreme Court and the order of this court in CMA(MD).No.1038 of 2024 order of removal hereditary trusteeship was pending. As on date, there was no order of hereditary trusteeship in favour of the any of the appellants and the private respondents in W.A.(MD).No.25 of 2025. Their request to consider their case of hereditary trusteeship was negated with direction to perform the Poojas in their respective turn as per the compromise decree in O.S.No.383 of 1973. Thus, it is absolutely clear that in none of the earlier proceedings, their right of hereditary Poosariship had been addressed and determined. At this point of time, the orders declining their request to continue the right of Poosariships and further continuation of Poosari beyond the age of 60 years is impugned as if it is in violation of the Rules 1964. Both issues never arose in the earlier litigation and has arisen only now and hence this Court delves into the legal issue of their entitlement to claim right of poosariship.

14.6.Firstly, Mrs.Anandhavalli, the learned counsel appearing for the appellants in WA(MD).No.25 of 2025 and WA(MD).No.397 of 2025 would submit that the authority has no jurisdiction to pass order of declining their entitlement of hereditary Poosariship on the ground that they had made a claim only on the basis of



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the order passed under Section 54(1) of Act 22/1959. At the outset, this Court rejects the contention that the appellants are hereditary trustees entitled to the benefits under Section 54, as the same is wholly misconceived. It is further evident that none of the orders placed before this Court recognize any hereditary trusteeship under Section 54(1).

ந.க.எண்.8287/2020/ஆ1/நாள்21.12.2020	ந.க.எண்.8676/99/ஆ1/நாள் 4.4.2005	ந.க.எண்.7655/2014/ஆ1/நாள் 29.11.2014
<p>திருமதி.ஆர்த்தி மற்றும் திருமதி.தனம் ஆகிய இருவரும் சட்டப்பிரிவு 54(1)ன் கீழ் தங்களை பரம்பரை அறங்காவலராக பதிவு செய்ய மனுவில், கோரியுள்ளார்கள். தற்போது W.P.(MD) No.5711/2020ல், ஆணையர் ஏ.பி.எண்.77/2018 நாள் 22.02.2020க்கு இடைக்கால தடை பிறப்பிக்கப்பட்டுள்ளதால் மேற்கண்ட இரண்டு நபர்களால் சட்டப்பிரிவு 54(1)ன் கீழான மனுவினை பரிசீலிக்க இயலாது.</p> <p>பார்வை-2ல் காணும் இவ்வலுவலக குறிப்புகளில் மனுதாரரை விசாரணைக்கு ஆஜராக கோரி அறிவிப்பு அனுப்பப்பட்டு விசாரணை மேற்கொள்ளப்பட்டது. மனுதாரர் திருமதி.வி.ஆர்த்தி மற்றும் எதிர்மனுதாரர்கள் ஆகியோரை 21.12.2020 அன்று இணை ஆணையர் முன்பு நேரடி விசாரணை மேற்கொண்டதில், இந்து வாரிசு உரிமைச் சட்டப்படி லேட்.வீரபாண்டியின் சட்டப்படியான வாரிசுகள் திருமதி.ஆர்த்தி, திருமதி.தனம் அம்மாள் மற்றும் வீரபாண்டியின் மைனர் குழந்தைகள் மட்டுமே இருப்பதால் ஏனையோர் திரு.லேட். வீரபாண்டி பூஜை பலன்களை பெற இயலாது.</p> <p>எனவே, சென்னை ஆணையர் நீதிமன்றத்தில் நிலுவையில் உள்ள S.M.R.No.3/2018-D2 வழக்கிற்கு உட்பட்டு திருமதி.வி.ஆர்த்தி என்பவர் தனது கணவர் வீரபாண்டிக்கு பதிலாக பூஜை பலன்களை பெற்றுக்கொள்ளவும் பூஜை பலன்களில் இருந்து திருமதி தனம் அம்மாளுக்கு ரூ.50,000/- வழங்கவும் மேற்படி திருக்கோயில் பரம்பரை அறங்காவலர்களுக்கு உத்தரவிடப்படுகிறது.</p>	<p>பார்வையில் காணும் கடிதங்களில் பரம்பரை நிர்வாக அறங்காவலர் கேட்டுக்கொண்டபடி, மேற்படி திருக்கோயிலின் பரம்பரை அறங்காவலர் பெரியணன் என்ற மகாமுனி பூசாரி என்பவர் 2.2.1986ல் காலமாகிவிட்டதையடுத்து அவருக்குரிய பூஜைமுறை நாட்களில் அவரது வாரிசுகளான 1.திரு.பி.எம்.ராஜா பூசாரி 2.திரு.பி.எம்.செல்லப்பாண்டியன் பூசாரி, 3.திரு.பி.எம்.பொற்கை பாண்டியன் பூசாரி, 4.திரு.பி.எம்.பாண்டியராஜன், 5.திருமதி.பி.எம்.சரோஜா அம்மா ஆகியோர் பூஜை முறையை கவனித்து வருவதால், பூஜை முறைக்குரிய பங்குத் தொகைக்கான காசோலையினை அவரவர்கள் பார்த்துவரும் பூஜை நாட்களுக்கு அவரவர்களுக்கு தனித்தனியே வழங்கும்படி நிர்வாக பரம்பரை அறங்காவலருக்கு உத்தரவிடப்படுகிறது.</p>	<p>பார்வை 2-ல் வரப்பெற்ற திருமதி.மாலதி க/பெ. P.M.பொற்கை பாண்டியன் பூசாரி அவர்களது மனுவில் பொருளில் காணும் திருக்கோயிலுக்கு தன்னை சட்டப்பிரிவு 54(1)ன் கீழ் வாரிசுதாரராக பதிவு செய்ய வேண்டியும் மற்றும் தன்னுடைய கணவர் லேட்.P.M.பொற்கை பாண்டியன் பூசாரி 2001 வருடம் மறைவுக்கு பிறகு தான் பார்த்து வருவதாகவும் ஆனால் பூஜைமுறை பங்குத் தொகையின் காசோலை தனது கணவர் லேட்.P.M.பொற்கை பாண்டியன் சகோதரர் P.M.ஜெகதீஸ் பாண்டியன் பெயரில் வழங்கப்பட்டு வருகிறது என்றும் அதை தனது பெயரில் காசோலை வழங்குமாறு வேண்டியுள்ளார்.</p> <p>அவரது மனுவினை பரிசீலித்ததில் சட்டப்பிரிவு 54(1) வாரிசு பதிவு செய்ய சென்னை உயர்நீதிமன்றம் மதுரைக்கிளை W.P.(MD) No. 4366 of 2009 உத்தரவின்படி வாரிசு பதிவு செய்வதற்கு இடைக்கால தடை இருப்பதால் வாரிசு பதிவு செய்ய இயலாது என்ற விபரம் தெரிவித்துக் கொள்ளப்படுகிறது.</p> <p>பங்குத்தொகை வழங்குவதற்கு ஏற்கனவே இவ்வலுவலக ந.க.எண்.8676.'99'.ஆ1 நாள் 04.04.2005 உத்தரவு மூலம் திரு. ஆ.பொற்கை பாண்டியன் பங்குத் தொகை காசோலை பெற்று வந்துள்ளார். அதே போல் அவரது மறைவுக்கு பின் பூஜை முறை பார்த்து வரும் திருமதி.மாலதி அவர்களுக்கு பூஜைமுறைக்குரிய பங்குத் தொகைக்கான காசோலையினை அவர் பார்த்து வரும் பூஜை நாட்களுக்கு அவருக்கு தனியே வழங்கும்படி பரம்பரை அறங்காவலர் திரு.சிவாஜி பூசாரிக்கு உத்தரவிடப்படுகிறது.</p>

14.7.The said orders merely grant limited permission in respect of performing Poosari duties and receiving hundi collection and do not confer or acknowledge any status of hereditary trusteeship. Rights cannot be conjured out of obscurity, nor can they rest upon undocumented assertions. Despite this position, the appellants have



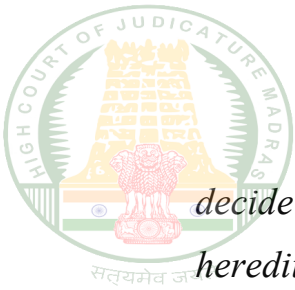
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persisted in advancing their claim as if they got order under section 54(1) of Act, which is impermissible in law. This Court, therefore, is not inclined to accept the pleadings or assertions of the appellants seeking recognition as hereditary trustees or as holders of any hereditary Poosari rights, as no such status has ever been conferred or recognized by the competent authority. Moreover, in the background of rival claims, the competent authority lacks jurisdiction to pass any order under Section 54(1). Hence, adjudication of the department by poking its nose in the rival claim of hereditary trusteeship during the past period is against true purport of Section 54(1) (corresponding Section 57(b) of 1951 Act). The authority without considering their lack of jurisdiction to interfere with the rival claim of trusteeship entertained the application and pass order of collecting Hundi share to a particular turn who performed poojas beyond the scope of Section 54(1) of the Act, 22 of 1959 and paved way for number of litigations. It is well settled principle under the Section 54(1) of the Act, 22 of 1959 (Corresponding Section 57(b) of the Act 1951) the authority has no jurisdiction to pass order by entertaining the disputed claim of trusteeship and the relevant precedents are as follows:

14.7.1. In the case of ***A. Krishnaswami Raju v. Krishna Raja***, reported in **1966**

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The jurisdiction of the Deputy Commissioner under Section 57(b) is confined to a decision whether a trustee holds or held office as a hereditary trustee. In other words, the Deputy Commissioner can only



decide as to the status of the office of the trusteeship, namely, whether it is hereditary. He is not competent to go into the further question as to which of the competing claimants is a hereditary trustee or whether both are joint hereditary trustees. That is a matter not covered by Section 57 of the Act and has to be decided only by a separate suit.

14.8. Therefore as on date without order under section Section 54(1) of the Act, 22 of 1959, they claimed shelter under Section 54(1) of the Act, 22 of 1959 to defend impugned orders where their right of hereditary poosariship was declined.

14.9. Further, the claim of legal heirs of the Periyannan @ Mahamuni poosari on the basis of the Will is not at all maintainable under the said Act, 22 of 1959. In this aspect, it is relevant to note the following provision of the Act 1927, 1951 and 1959:

1927	1951	1959
'Hereditary trustee' means the trustee of a religious endowment, succession to whose office devolves by hereditary right or by nomination by the trustee for the time being , or is otherwise regulated by usage or is specially provided for by the founder, so long as such scheme of succession is in force.	'Hereditary trustee' means the trustee of a religious endowment, succession to whose office devolves by hereditary right or is otherwise regulated by usage or is specially provided for by the founder, so long as such scheme of succession is in force.	'Hereditary trustee' means the trustee of a religious institution, succession to whose office devolves by hereditary right or is regulated by usage or is specially provided for by the founder, so long as such scheme of succession is in force.

14.10. From the reading of the above provisions, there is no right of



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nomination by the hereditary trustee. Therefore, on the basis of the Will of the Periyannan @ Mahamuni poosari's legal heirs have no legal right to claim trusteeship. The Hon'ble Supreme Court in the similar circumstances, in the case of

D. Srinivasan v. Commr., reported in (2000) 3 SCC 548 has held as follows:

9. The point that arises for consideration is whether the present appellant trustee has been nominated by the trustees for the time being and could be treated as “hereditary trustee” and whether the three original plaintiffs could also have been treated as “hereditary trustees” from the time when OA No. 165 of 1966 was filed by the three persons in 1966 before the Deputy Commissioner.

10. For a proper appreciation of the above issue, it is necessary to resort to the definition of “excepted temple” in sub-section (5) of Section 9 of the 1927 Act and also to the definition of “hereditary trustee” in sub-section (6) of Section 9 of the 1927 Act. Sub-section (5) of Section 9 of the 1927 Act reads as follows:

“ ‘Excepted temple’ means:

(a) a temple which before 1801 was, and since 1963 has continued to be, under the sole management of a trustee whose nomination did not vest in, nor was exercised by, the Government nor was subject to the confirmation of the Government or of any public officer, or

(b) a temple founded since 1842, the right of succession to the office of trustee whereof is hereditary or specially provided for by the founder.”

Sub-section (6) of Section 9 of the 1927 Act reads as follows:

“ ‘Hereditary trustee’ means the trustee of a religious endowment, succession to whose office devolves by hereditary right or by nomination by the trustee for the time being, or is otherwise regulated by usage or is specially provided for by the founder, so long as such scheme of succession is in force.

11. From the abovesaid definition, it will be noticed that under sub-section (6) of Section 9 of the 1927 Act, the definition of “hereditary trustee” included a person who was nominated by the trustees, for the time being in office.

13. Sub-section (1) of Section 5 of the 1951 Act repealed the provisions of the 1927 Act. Section 5 of the 1951 Act is however to be read in conjunction with Section 103 of the said Act. We are



only concerned with clauses (a) and (b) of Section 103 of the 1951 Act, which read as follows:

“(a) all rules made, notifications or certificates issued, orders passed, decisions made, proceedings or action taken, schemes settled and things done by the Government, the Board or its President or by an Assistant Commissioner under the said Act, shall, insofar as they are not inconsistent, with this Act, be deemed to have been made, issued, passed, taken, settled or done by the appropriate authority under the corresponding provisions of this Act and shall, subject to the provisions of clause (b) must have effect accordingly:

Explanation.—Certificates issued by the Board under Section 78 of the said Act shall be deemed to have been validly issued under that section, notwithstanding that the certificates were issued before the making of rules prescribing the manner of their issue.

(b) If the Government are satisfied that any such rule, notification, certificate, order, decision, proceeding, action, scheme or thing, although not inconsistent with this Act would not have been made, issued, passed, taken, settled or done, or would not have been made, issued, passed, taken, settled or done in the form adopted, if this Act had been in force at the time, they shall have power, by order made at any time within one year from the commencement of this Act, to cancel or to modify in such manner as may be specified in the order, the said rule, notification, certificate, order, decision, proceeding, action, scheme or thing, and thereupon, the same shall stand cancelled or modified as directed in the said order, with effect from the date on which it was made or from such later date as may be specified therein:

Provided that before making any such order, the Government shall publish in the Fort St. George Gazette a notice of their intention to do so, fix a period which shall not be less than two months from the date of the publication of the notice for the persons affected by the order to show cause against the making thereof and consider their representations, if any;”

14. A reading of Sections 5 and 103 of the 1951 Act would show that the 1927 Act was repealed, but the repeal was subject to certain conditions as stated in Section 103 of the 1951 Act. We shall come back to the effect of Section 103 on the 1927 Act a little later

20. So far as the other plaintiffs, namely D. Adiseshayya and Y.R. Natarajan are concerned, the question would be whether they



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could be called “hereditary trustees” under sub-section (11) of Section 6 of the 1959 Act. That was the Act in force in 1972. The further question would be whether the appellant before us, who is D. Srinivasan and who was a person who was nominated subsequently by the remaining trustees, and which event took place after 1951, could be called “hereditary trustee”.

21. After the commencement of the 1951 Act, the definition of “hereditary trustee” contained in sub-section (9) of Section 6 of that Act did not recognise a person who was nominated by other trustees, as “hereditary trustees”. Thus, so far as those trustees nominated by the said five persons after the 1951 Act are concerned, they being persons nominated by the trustees who were nominated by Venkatarangaiah's nominees, in our view, would not be “hereditary trustees” under Section 6(9) of the 1951 Act. It is true that the Board of Trustees created by Venkatarangaiah could be treated as a fluctuating body from time to time and any rights vested in that body to nominate “hereditary trustees” under sub-section (6) of Section 9 of the 1927 Act, would remain unless taken away by the 1951 Act. The question is whether after the 1927 Act was repealed by the 1951 Act, any rights created under the 1927 Act in the Board of Trustees could continue in force and this question would depend upon the provisions of Section 103 of the 1951 Act.

23. It is true that rights vested in any person or authority under a repealed statute are not to be deemed to be interfered with by the repealing statute, unless there is any provision in the repealing statute which expressly or by necessary implication interferes with the rights accrued to any persons or body under a repealed statute of 1927. But in our view, the language contained in clause (a) of Section 103 of the 1951 Act evinces a clear intention to depart from the scheme of the 1927 Act and no longer to call the persons nominated by the Board of “hereditary trustees”, after 1951 as “hereditary trustees”. In other words, if any trustees are nominated subsequent to the commencement of the 1951 Act, by the Board of hereditary trustees (who came into office pursuant to the will of Venkatarangaiah or their nominees) then those persons would not be governed by the definition of sub-section (6) of Section 9 of the 1927 Act, but will be governed by Section 6(9) of the 1951 Act. Such persons cannot be described as “hereditary trustees” inasmuch as by altering the definition of “hereditary trustees”, the 1951 Act has chosen to interfere with an existing right of the Board to nominate fresh trustees as



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“hereditary trustees”.**24.** We, therefore, hold that if any trustee has been nominated subsequent to the commencement of the 1951 Act by the Board of Trustees who were in office prior to the 1951 Act or by their nominees then such persons could not be called “hereditary trustees” within the meaning of sub-section (6) of Section 9 of the 1951 Act. Similarly, if the persons who were themselves not hereditary trustees after the 1951 Act, either by themselves or along with other hereditary trustees after 1951, nominated trustees, then such trustees would not be hereditary trustees. The position is no different after the 1959 Act

25. Therefore, the other two plaintiffs in the suit, namely, D. Adishayya and Y.R. Natarajan and the present appellant, D. Srinivasan before us being persons who were nominated as trustees subsequent to the commencement of the 1951 Act, cannot be described as “hereditary trustees”, for the purposes of the 1951 Act or the 1959 Act.**26.** This does not, however, mean that the right conferred on the Board of Trustees, whenever a vacancy occurs in the five places created by Venkatarangaiah, is done away with altogether by the 1951 Act or by the post-1951 Acts. It will be open to the nominated five trustees in office, from time to time to nominate fresh trustees whenever there is any vacancy in these five offices of trustees. Such persons can be trustees but cannot be called “hereditary trustees”. They will have to be described as “non-hereditary trustees”. What their rights are will necessarily have to be governed by the provisions of the statute. We need not go into the question as to their rights. Suffice to say that they are not “hereditary trustees”.

14.11. In the case of **D.Srinivasan v. Commr.** [(2000) 3 SCC 548] followed by the Hon'ble Supreme Court in the case of **Commr., H.R. & C.E. (Admn.) v. Vedantha Sthapna Sabha**, reported in (2004) 6 SCC 497, the operative portion of the judgment is as follows:

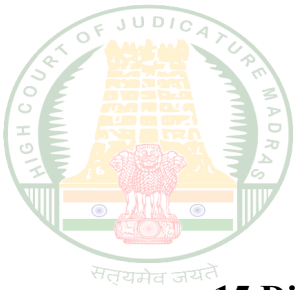
14. A bare reading of the definition of “hereditary trustee” brings into focus three important aspects i.e. first, a trustee of a



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religious institution the succession to which is devolved by hereditary right; the second category is that succession can be regulated by usage and the third category is where succession relating to the office of trustee is specifically provided for by the founder and that too so long as the scheme of such succession is in force. In contrast to the criteria engrafted in Section 6(22), the definition in Section 6(11) lays special and specific emphasis on the succession to the office of trustee of a religious institution devolving by any one of the three methods or manner envisaged therein. So far as the case on hand is concerned, the statutory authorities specially constituted under the Act have held the temple to be for all the worshipping Hindu public and not confined to the members of the Sabha only having regard to the manner in which funds were collected and the manner in which the public invitations and declarations have been made and day-to-day administration of the temple is being carried on from inception. Though there has been an application for declaration of the office of trustee of the religious institution to be a hereditary one, no application under Section 63(a) for a declaration as to whether the temple in question is a religious institution used as a place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or section thereof was filed. Even after specific findings by the statutory authorities as to the character of the institution conspicuous omission in this regard disentitled the respondent Sabha to incidentally or vaguely project that it is for the members of the Sabha only. Once it is a religious institution within the meaning of the Act, the provisions of the Act have full force and effect and the claim of the nature, unless substantiated as provided for under the statute cannot be countenanced on certain assertions made which were besides such statutory provisions.

14.12. Therefore, in all earlier proceedings, above legal principles inadvertently escaped from the consideration of this Court and therefore, the claim of Periyannan @ Mahamuni poosari's legal heirs on the basis of the Will is not legally sustainable.



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15. Discussion on the claim of right of hereditary poosariship:

In consequences of the above situation that no legal order of hereditary trusteeship is in favour of none of the appellants and private respondents under section 54 of act 22 of 1959, in the impugned orders before writ court, in exercise of *suo motu* jurisdiction as provisions of Act, passed orders impleading all concerned parties and holding that none of them are entitled to claim hereditary Poosari rights. Consequential directions were issued to the Deputy Commissioner to proceed in accordance with the said findings. Against such orders, multiple revision petitions were preferred before the Commissioner, and all such matters were clubbed together and disposed of by a common order. The said common order also came to be challenged by way of separate writ petitions.

15.1. The appellants, along with certain other individuals connected with the temple who were impleaded as respondents, raised claims concerning the alleged continuation of hereditary poosari rights and the abolition of hereditary poosari right. They contended that they were not servants of the HR&CE Department but were hereditary office holders entitled to continue in office without the limitations applicable to temple servants.

15.2. This Court impleaded all the concerned persons and heard the elaborate



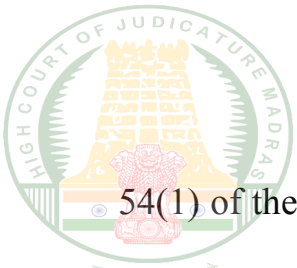
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submissions made by the learned counsel appearing on either side. All counsel, in one voice, submitted that the temple is essentially a village temple established around the year 1800 and that its administration was historically vested with members of a particular family.

15.3. The principal issue arising in the present batch of writ appeals is whether the appellants possess a continuing hereditary right to function as poosaris and can receive hundi collection.

15.4. The Department, invoked **Section 55 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 to dispute their claim of receipt of hundi collection perpetually as hereditary poosariship.** The authorities have concurrently held that neither party is entitled to claim hereditary poosari rights, in view of the amendment to Section 55 of the Hindu Religious and Charitable Endowments Act, 1959, which abolished hereditary succession. The learned counsel appearing for the appellants would submit that the order was passed under Section 54(1) of the Act, 22 of 1959 and therefore, Section 55 of the Act, has no application.

15.5. This Court is unable to accept the said argument for the simple reason that there was no document produced to prove that they are appointed under Section

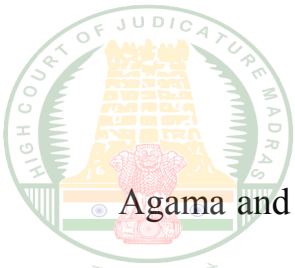


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54(1) of the Act, 22 of 1959. In fact, in this case, the appellants filed the application to appoint them as a hereditary trustees in the place of their representative. Immediately, rival claim were made and the authorities as a temporary solution had recognized only their right of receiving the hundi collection and other plate collection and sharing among themselves ie, they were allowed only to share the hundi collection and the plate collection and at no point of time, they were allowed to act as hereditary trustees. But, they were allowed to perform the poojas in the place of their respective representatives after their death. Therefore, the argument of the learned counsel that they are as hereditary trustees but not appointed under Section 54(1) of the Act, is misconceived. As the records shows, they were allowed only to receive the shares of plate collection and hundi collection and allowed to perform poojas. To the case in hand, Section 55 of the Act, has application. For easy reference, Section 55 of the Act is extracted below:-

No person shall be entitled to appointment to any vacancy referred to in sun-section (1) merely on the ground that he is next in the line of succession to the last holder of the office.

15.6.The constitutional validity of the above provision was tested before the Hon'ble Supreme Court and the Hon'ble Constitution Bench of Supreme Court in the case of ***Seshammal vs. State of Tamilnadu*** reported in ***1972 (2) SCC 11*** upheld the same. Even as per the pleadings of the appellants, the temple is not governed by



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Agama and no convincing material has been placed before this Court to demonstrate that the temple is governed by a specific Agama mandating hereditary priesthood. In view of the above discussion, the order of the authority that they are not entitled for hereditary poosariship as per Section 55 of the Act, 22 of 1959 is valid.

15.7. In this aspect, the learned counsel for the appellants relied the following precedents and argued that the temple is a village temple and hereditary poosariship and trusteeship vested with the family and the same was legally recognized in the said precedents and therefore they requested to follow the said precedents in this case also.

(i) in the case of *Babugurukkal v. The Commissioner for HR& EC* reported in *1964 2 MLJ 384* and

(ii) in the case of *Venkataraman vs. Thangappa Gounder* reported in *AIR 1972 Madras 119 (DB)*

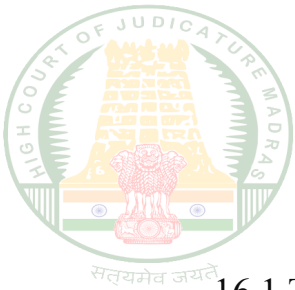
15.8. From the above reading of the said precedents, it is not clear whether the said temples are notified public temples or not? But the present temple in question is notified public temple. The said temples are small village temple without any huge hundi and plate collection. The said decisions were delivered before the amended provision of Section 55 of the Act 22 of 1959 and also there was no discussion about the said provision. This Court can easily distinguish the said precedents on facts and



law. Therefore, this Court is unable to accept the argument of the learned counsel on the basis of the said precedents.

16. Discussion on application of Rule (5) of the Tamil Nadu Hindu Religious Institutions Employees (Conditions of Service) Rules, 1964 :

The other reasoning of the authority that the persons who had crossed sixty years of age are not entitled to continue the poodsariship as per the Rule 5 of Rule 1964 is countered by the learned counsel appearing for the appellant that the said Rule has no application to the temple. All the learned Counsels appearing for the Appellants and the private respondents WA(MD).No.25 of 2025 would submit that the said Rule has no application in view of the Rule 2020 brought by the Government of Tamil Nadu. This Court perused the two Rules. It is true that Rule 2020 brought in supersession of the 1964 Rules. But, in this rules also the age for superannuation is fixed only as 60 years. Apart from that the said Rule was brought by exercising power under the Act 22/1959. Any action taken prior to the commencement of the Rule 2020 under the old Act is saved by the Saving clause provided under the Act. Only legal impediment is that any conflict between the Rule 2020 and 1964, the Rule 2020 prevails. This Court finds no conflict relating to the age limit. That apart, furthermore, the impugned orders were passed under Rules, 1964 before the commencement of Rule 2020.



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16.1. The temple is notified public temple. *Religious Institution* as per the definition of the Act, 22 of 1959 means a temple. For better appreciation, this Court extracts Section 2(18) of the Act, 22 of 1959 hereunder:

1[(18) “Religious institution” means a math, temple or specific endowment and includes, : —

(i) a samadhi or brindhavan; or

(ii) any other institution established or maintained for a religious purpose. Explanation.- For the purpose of this clause-

(1) “samadhi” means a place where the mortal remains of a guru, sadhu or saint is interned and used as a place of public religious worship;

(2) “brindhavan” means a place established or maintained in memory of a guru, sadhu or saint and used as a place of public religious worship, but does not include the samadhi;)

16.2. Therefore, in view of the Rule 2020, there is further clarity relating to two aspects namely in the case of notified, non-Agamic temples, the appointment of Poosaris, retirement of Poosari, taking action against the Poosari is a purely a secular and the State Authorities have statutory powers to appoint Poosari, and can superannuate the Poosaris beyond 60 years. For that the HR&CE Department is acting as an arm of the State to pass the impugned orders. More particularly, the Writ Court on appreciation of records found that there was no evidence to establish the



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customs or any other usage to prove their entitlement of Poosariship in the line of the succession. Therefore, the Counsel's submission that in view of the Rule 2020, the impugned order passed under the existing 1964 Rules is not valid cannot be accepted.

16.3. The learned Counsels appearing for the appellants and the private respondents made strong reliance on the proceedings of the department dated 11.10.1981 to substantiate their claim of receipt of Hundi and plate collection for performing poosariship on the basis of the following material portion of the order:

I am inclined to fix one half of the income by way of Hundai (cash only) as the remuneration of the poosaries instead of the monthly salary or time scale of pay, subject to the conditions that the petitioner would be entitled, this share no long as they do their service properly, faithfully and also subject to the further condition that the expenses of paditharan like coconuts for land for archakas etc., shall be set by the personally.

16.4. From above said order, it is clear that they are treated as servants only. Therefore, there is no question of absence of the appointment under the Act as a Poosari to claim Poojariship till life and perpetual. When they are recognized and determined as a temple servant/Poosari, they are subject to the service conditions applicable to temple servants, including the age of superannuation, which is fixed as



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sixty years and that they cannot continue in office beyond that age, though they are receiving the Hundi collection and plate collection as poosari and therefore, for that reason, their case that the service Rules not applicable to them cannot be accepted. Further, when similar contention raised before the Hon'ble Division Bench of this Court in W.A.No.424 of 1999 (*Dr.S.Viswanatha Sivachariyar vs. Spl.Commissioner, HR and CE case*) the Division Bench declined to accept the said contention.

16.5.The contention of the petitioners that “Poosariship” and “hereditary trusteeship” are interchangeable or co-extensive requires careful scrutiny. Even assuming, arguendo, that there is an overlap in the functional roles, the disqualification arising out of proven mismanagement in the administration of temple affairs cannot be ignored. A person who has been found unfit to manage the affairs of the temple cannot, by merely altering the nomenclature of the office claim, seek to re-enter the same institutional framework in another capacity.

16.6.In a purposive interpretation of the provisions of the Hindu Religious and Charitable Endowments Act, 1959, particularly in light of the abolition of hereditary rights under the amended Section 55, the emphasis is on regulated administration, accountability, and integrity in the discharge of religious services. The statutory scheme does not contemplate permitting individuals, who have been found guilty of



mismanagement or maladministration, to continue in positions of controlling the temple affairs or its revenues, whether as trustees or as Poosaris, especially when such roles are intertwined with financial or administrative responsibilities.

16.7. Therefore, the claim of the petitioners, seeking recognition or continuation as Poosaris notwithstanding the adverse findings of mismanagement, is legally un-sustainable. The attempt to distinguish between capacities, while the underlying conduct remains the same, cannot be accepted. In effect, such a claim amounts to an impermissible circumvention of the consequences flowing from duly established findings of misconduct.

16.8. Accordingly, on a harmonious and purposive construction of the statutory provisions, the petitioners are dis-entitled from asserting any right to continue either as trustees or as Poosaris.

16.9. The authorities also recorded findings of persistent mismanagement in the administration of the temple. It was alleged that substantial amounts were being collected through plate collections and hundi offerings—stated to exceed one crore rupees annually—and that disputes among the rival claimants were largely centred on the division of these collections. The records indicate that the parties frequently resorted to litigation whenever disputes arose and, after reaching private settlements



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among themselves, flagged an issue against department for distribution of hundi and plate collections. In these circumstances, the competent authority examined the matter and concluded that the appellants, being temple servants, cannot continue in service beyond the age of sixty years. the person who had crossed 60 years are not entitled to continue in view of the above stated Rule 1964 is correct. The Hon'ble Supreme Court has, on several occasions, drawn a clear distinction between religious practices and secular activities associated with religion. Insofar as matters relating to essential religious practices are concerned, a person may challenge State's action on the ground of interference with such religious practice. However, where the State or statutory authorities regulate secular activities connected with the administration of a temple, such regulation cannot be questioned except on grounds available under the relevant statutory framework.

16.10. In the present case, the Department has duly considered the statutory provisions and passed the impugned order declining to recognize the petitioners as hereditary pooja recipients. In the earlier proceedings, there was no determination of either the claim of hereditary trusteeship or hereditary poosariship and termination of trusteeship on the ground of grave mismanagement by the authority was set aside by SC only on the ground of violation of principle of natural justice and further, in all the cases reference was made only in the context of the earlier litigations. The



present claim seeking recognition of hereditary pooja rights cannot therefore be entertained.

16.11. Once the claim of hereditary trusteeship itself is found to be not maintainable, the consequential claim of hereditary pooja recipient cannot survive. The authorities, acting within their statutory powers in a secular administrative capacity, have passed the impugned order in view of the maladministration and considering the allegations relating to siphoning off Hundi collections belonging to the temple by appellants and other private respondents.

16.12. This Court finds that the authorities have rightly exercised their jurisdiction and passed the impugned order after considering all relevant aspects. The contention of the learned counsel for the appellants that, in village temples, the offices of poosari, chief priest, and trusteeship are vested in the same person based on certain precedents cannot be accepted in the present case. Those precedents are not applicable, since the temple in question is a notified public temple and not a private village temple. Further, the temple has been duly notified by the Government, and therefore the State authorities are empowered to regulate its administration and to pass appropriate orders, either suo motu or on petitions submitted before them, in order to safeguard the temple and prevent misappropriation or siphoning off temple fund.



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16.13. Accordingly, the contention of the appellants that the abolition of hereditary priesthood is inapplicable to them cannot be accepted. The orders of the authorities holding that the appellants are temple servants and subject to the statutory age of superannuation is therefore liable to be sustained. This Court finds no infirmity in the impugned orders confirmed by the writ Court where it has been held that the legal heirs of the Bodha poosari and Mahamuni poosari are not entitled to hereditary poosariship in view of Section 55 of the Act 22 of 1959 and prohibited from claiming a right of poosariship as a hereditary and also the person crossed the age of 60 years are not entitled as per the Rule 5 of the Rules 1964. So far as Mahamuni poosari's legal heirs on the basis of the Will dated 17.08.1985 is not legally maintainable as per Section 2(17) of Act 22 of 1959 as a hereditary trustee. In view of the above findings, this Court finds **no ground to interfere** with the orders passed by the Commissioner and other authorities, which were impugned in the writ petitions and were also upheld by the learned Single Judge. Both the authorities and the learned Single Judge have examined the statutory provisions in detail and have categorically held that the abolition of hereditary priesthood applies to the temple in question. This Court finds no reason to interfere with those findings.

17. Discussion on the claim of Seethalakshmi and Maruthupandi:

The said Pandian Poosari died on 12.11.2003. Thereafter, the appellant,



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Seethalakshmi, claiming to be the wife of the deceased Pandian poosari, submitted an application dated 28.11.2003 seeking (i) recognition as his legal heir, (ii) appointment as hereditary trustee in his place, and (iii) permission to continue as poosari in the temple. The competent authority, by order dated 04.12.2003, without adjudicating upon the issue of hereditary trusteeship or the entitlement as hereditary poosari, merely permitted Seethalakshmi to perform the pooja in the turn of the deceased Pandian poosari. The relevant portion of the order is as follows:

பொருளில் காணும் திருக்கோயிலில் பரம்பரை அறங்காவலர்களின் ஒருவரான திரு.பி.பாண்டியன் பூசாரி 12.11.2003 அன்று காலமானதால் ஏற்பட்ட காலியிடத்தில் அவரது மனைவியான தம்மை பரம்பரை அறங்காவலராக பதிவு செய்து உத்தரவிடுமாறு பார்வையில் காணும் குறிப்பில் மூலம் திருமதி.பி.சீதாலெட்சுமி விண்ணப்பித்துள்ளார். காலஞ்சென்ற பரம்பரை அறங்காவலர் திரு.பி.பாண்டியன் பூசாரியின் மனைவி என்பதற்கான வாரிசு சான்றினை மனுதாரர் சமர்ப்பிக்கவில்லை. எனவே, உரிய வாரிசுச்சான்றிதழுடன் விண்ணப்பிக்குமாறு திருமதி.பி.சீதாலெட்சுமிக்கு அறிவுரைகள் வழங்கப்படுகிறது.

காலஞ்சென்ற பரம்பரை அறங்காவலர் திரு.பி.பாண்டியன் பூசாரியின் பூசாரி முறையை எதிர்வரும் வரத்திற்கு மட்டும் பார்த்துவர மனுதாரருக்கு அனுமதி வழங்கப்படுகிறது. பங்குத்தொகைக்கு தனியாக விண்ணப்பித்து உத்தரவு பெற்றுக்கொள்ளுமாறும் தெரிவிக்கப்படுகிறது

17.1.The said order was challenged by the minor Marudhupandi in A.P. No.19 of 2003, contending that he was the adopted son of the deceased Pandian poosari



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and, therefore, entitled to succeed to the position. He also disputed the marital status of Seethalakshmi. The said application came to be dismissed by order dated 06.05.2004. Aggrieved thereby, Marudhupandi filed W.P. No.1428 of 2004 before this Court. This Court, by interim arrangement, permitted Seethalakshmi to perform the poojas and directed both parties to share the pooja receipts without dispute. Challenging the said order, Seethalakshmi filed W.A.No.1590 of 2011, and Marudhupandi filed W.A. No.1995 of 2011. The writ appeal filed by Seethalakshmi was allowed, and the claim of Marudhupandi was rejected, granting liberty to him to approach the competent civil court for declaration of his status as the adopted son of the deceased Pandian poojari. Pursuant thereto, Marudhupandi instituted O.S.No.92 of 2013 before the Subordinate Court, Melur, seeking declaration of his status as adopted son and consequential rights over hereditary trusteeship and pooja receipts. Though the suit was decreed, the same was carried in appeal by Seethalakshmi in A.S.No.62 of 2019, which came to be allowed. The matter is stated to be pending before the Hon'ble Supreme Court, wherein notice has been ordered, but no interim stay has been granted.

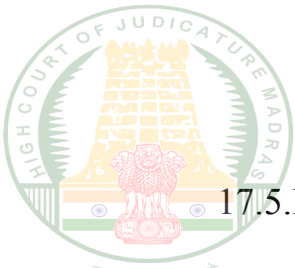
17.2. In the above backdrop, a serious dispute persists between Seethalakshmi and Marudupandi, each making rival allegations. Marudupandi contends that Seethalakshmi's marital status is doubtful, alleging that she was involved in proceedings under the Immoral Traffic (Prevention) Act and that no valid marriage



was performed. On the other hand, Seethalakshmi disputes the claim of adoption, contending that the same has not been legally established, a position which also finds support in the appellate court's findings. In the aforesaid factual matrix, the claim of Marudhupandi as an adopted son remains *sub judice* and hence, he is not entitled to make any claim. Since the department by applying Rule 5 of 1964 Rules passed the order prohibiting Seethalakshmi to continue as poosari beyond the age of superannuation, namely, 60 years, she is also not entitled to make any claim.

17.3. In view of the foregoing reasons, both parties are embroiled in substantial factual and legal disputes, accompanied by serious allegations against each other. In such circumstances, this Court is not inclined to recognise or confer rights upon either party at this stage, independent of the findings already rendered by the competent authorities.

17.4. Furthermore, the authorities have concurrently held that neither party is entitled to claim hereditary poosari rights, in view of the amendment to Section 55 of the Hindu Religious and Charitable Endowments Act, 1959, which abolishes hereditary succession. Additionally, insofar as Seethalakshmi is concerned, she has admittedly attained the age of superannuation as prescribed under the Tamil Nadu Religious Servants Rules, 1964, thereby dis-entitling her from continuing in service.



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17.5. It is, however, open to Marudupandi to work out his remedies before the competent authorities, subject to the outcome of the proceedings pending before the Hon'ble Supreme Court. In the event his claim of adoption is ultimately upheld, it would be open to him to seek appropriate relief in accordance with law, including consideration of any claim relating to poosari service or trusteeship, strictly in conformity with the statutory framework.

18. Discussion on the claim of Dhanam, Veerapandi and Pandeewari:

Dhanam is the Fifth Wife of Mahamuni poosari. She has two sons, namely, Pandiarajan and Veerapandi and one daughter, namely, Pandeewari. Veerapandi submitted a representation dated 18.09.2014 before the Deputy Commissioner, Hindu Religious and Charitable Endowments Department, seeking recognition and grant of share in the poosari receipts. By order dated 28.09.2014, the Deputy Commissioner declined to recognise Veerapandi as a legal heir of Mahamuni Poosari through Dhanam. Nevertheless, the authority proceeded to hold that Veerapandi was entitled to a share and issued consequential directions to the trustee, Shivaji Poosari, to disburse such share. The said order was subsequently taken up as suo motu revision in S.M.R. No. 3 of 2018. In the course of the said proceedings, a categorical finding was rendered that Veerapandi is not entitled to any share. During the pendency of the proceedings, Veerapandi died, and Dhanam (described as Aarthi) was impleaded as her legal heir. Likewise, upon the death of Pandiarajan, his legal



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heirs, namely Pandiswari and another Pandiarajan, were also brought on record. All other necessary legal heirs were duly impleaded in the proceedings. Ultimately, by order dated 19.01.2023 passed in S.M.R.No.3 of 2018, the authority declined the claims of all parties and held that none of them are entitled to any poosari receipts, thereby effectively nullifying the earlier order dated 28.09.2014. The said order was challenged before this Court by way of writ proceedings, which came to be dismissed by the impugned judgment. In such circumstances, the present claim made by the legal heirs of Pandiarajan and Veerapandi, seeking entitlement to poosari receipts on the basis of hereditary succession, is legally untenable. The impugned orders passed by the authorities are in consonance with the amended provisions of Section 55 of the Hindu Religious and Charitable Endowments Act, 1959, which abolished hereditary rights in such offices. Further, it is pertinent to note that the claim of Veerapandi was never recognized at any point of time prior to the filing of the representation in the year 2014. In the absence of any established or recognized right, no enforceable claim can be sustained.

19. Discussion on the claim of Valli:

19.1. Valli wife of Sangan poosari after sending a consent letter dated 17.03.1997 to record “Karthik (allegedly adopted son)” as a hereditary trustee-cum-poosari under the branch of Sangan poosari, had obtained the order on 06.01.2014 in her favour from the department to perform the poojas turn of Sangan poosari but it

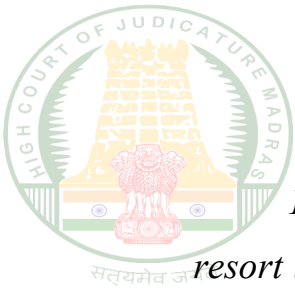


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was rejected by the writ Court on the ground that she made a belated claim and there is no permanent vacancy and Karthik was already appointed as a hereditary trustee and the similar belated claim made by the other branch namely, A.Pandiammal against P.Sivaji poosari was declined by the Division Bench in the case of *A.Pandiammal V. P.Sivaji poosari* reported in *2012 SCC Online Mad 2424* and the same was confirmed by the Hon'ble Three Judges Bench of Superme Court and the writ Court considering the same, dismissed her claim by setting aside the order of the department dated 06.01.2014 passed in favour of Valli. So far as Karthik is concerned, he was not only suspended on the ground of the misappropriation and also involved in the assault upon the sister, namely, Sumathi, inside the temple premises and also caused injuries to the HR and CE departmental officials also. Therefore, both Karthik and Valli are not entitled to get any relief.

20.Discussion on the question of the excepted temple and consequential direction of the writ Court to the authority to take action

In the year 1935, as stated above, the department passed the order and declared that the temple is exempted one as per the provision of the Act –1927. Now, there is no question of exemption under the New Act. The said question was elaborately considered by the Hon'ble Supreme Court in the case of *D.Srinivasan v.Commr.* reported in *(2000) 3 SCC 548J* and the relevant paragraph is as follows:



10. For a proper appreciation of the above issue, it is necessary to resort to the definition of “excepted temple” in sub-section (5) of Section 9 of the 1927 Act and also to the definition of “hereditary trustee” in sub-section (6) of Section 9 of the 1927 Act. Sub-section (5) of Section 9 of the 1927 Act reads as follows:

“ ‘Excepted temple’ means:

(a) a temple which before 1801 was, and since 1863 has continued to be, under the sole management of a trustee whose nomination did not vest in, nor was exercised by, the Government nor was subject to the confirmation of the Government or of any public officer, or

(b) a temple founded since 1842, the right of succession to the office of trustee whereof is hereditary or specially provided for by the founder.”

12. The 1951 Act did not recognise the plea of “excepted temple”, which was a particular class of temple, for which provision was made only under the 1927 Act.

20.1. Therefore, the argument of the learned counsel for the appellants that the authority has no power in the case of excepted temple as per the order passed in the year 1935 by the Board deserves to be rejected and accordingly, rejected. In the aforesaid circumstances, this Court finds no merit in the contentions advanced by the learned counsel for the appellants, in view of the principles governing temple administration under statute.

21. Recalibration in Light of Changed Circumstances:

The central issue is whether the poosaris’ entitlement to 50% of the hundial

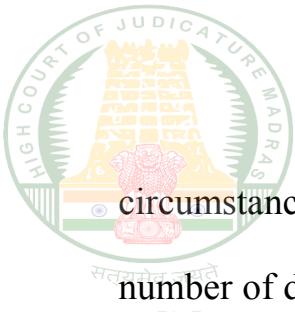


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collection, as granted in O.A.No.77 of 1980, can be sustained in the light of vastly changed financial and standard of living circumstances or for performing poojas with devotion and doing secular duty with self conscience and self discipline and discharging function for the welfare of temple.

21.1. It is relevant to note that At the time when the application was filed in **O.A.No.77 of 1980** under section 63 of Act 26 of 1959, the temple was impoverished, its annual income was barely Rs.25,000/- and the plate collection meagre i.e., its income was meagre and offerings sparse and insufficient even for the livelihood of the poosaris ***and there fore grant of 50% of the hundial collection to the poosaris was intended*** as a remuneration to the poosari in lieu of a regular salary or time-scale pay so as to enable them to meet their basic livelihood expenses and maintain a reasonable level of dignity while discharging their religious duties , and was subject to the condition that they should faithfully perform the temple services and personally bear certain expenses relating to pooja materials. The grant of 50% of the *hundial* collection to poosaris was not a privilege but a **measure of necessity**, intended to serve as a substitute for regular salary or time-scale pay. The allocation was conditioned upon faithful performance of temple services and personal responsibility for certain expenses related to pooja materials.

21.2. After the above order in the year, time has transformed the terrain and has wrought a remarkable transformation and an unrelenting sculptor of



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circumstances. Today, the temple pulses with the devotion of nearly a very large number of devotees every week. As found by the authorities and as judicially noticed by this Court, the temple is situated within about two kilometres from this Court and draws a very large number of devotees, particularly on Fridays and Tuesdays and during weekends. The materials placed before this Court, including the findings recorded by the authorities as well as the courts below, reveal that the temple presently attracts a very large number of devotees and generates substantial income *and the annual plate collection alone exceeds Rs.1 crore and hundle collection of more than 4 crores and Devotees themselves contribute the majority of pooja materials, reducing the personal financial burden of the poosaris as most of the pooja materials and offerings are contributed directly by the devotees for paditharam and the institution has become financially robust .*

21.3. In fact, the records disclose that the annual plate collection alone exceeds Rs.1 crore, and on certain occasions the plate collection *even exceeds the hundi collection*. The learned Judge also extracted the income during the period of fit person.

21.4. The details of the approximate income during the period of fit person as extracted by the Writ Court in paragraph No.39 is as follows:

39. Be that as it may, after the suspension of the Trustees, the Temple was under the administration of the Department, through Fit Person/Executive Officer,



for a period of 2 ³/₄ years. The Commissioner, HR CE, in the counter affidavit has filed a comparison chart as under:-

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I. Comparison of Important Income Heads (For Fasli 1423, 1424 and to that of Fasli 1426, 1427)

S.No.	Important Heads of Income	Income during the period of Hereditary Trustees Administration		Income during the period of Official Fit Person and the Executive Officer Administration	
		Fasli1423 Rs.	Fasli1424 Rs.	Fasli1426 Rs.	Fasli1427 Rs.
1	General Hundial	91,95,719	84,11,666	1,80,64,549	1,84,48,095
2	Plate Collection Hundial	NIL	NIL	25,04,440	1,07,59,022
3	Annadhanam Hundial (Financial Year)	2,77,537	3,49,990	13,23,249	13,00,837
4	Thiruppani Hundial	NIL	NIL	4,40,156	15,44,361
5	Tickets i) Coconut and Fruit ii) Milk Abhishekam iii) Rose Water Abhishekam iv) Large Garland v) Hair Tonsure Ticket vi) Sandal Abhishekam vii) Vibuthi Abhishekam viii) Quick Dharshan	NIL	NIL	67,62,931	1,13,44,910
6	Donated Articles	NIL	NIL	1,27,995	3,53,510



7	Lease Rights I) Tonsured Hair Auction ii) Ear Boring Auction iii) Ghee Lamp sales iv) Coconut v) Goat, Hen, Cock Collection vi) Child Cradle Collection vii) Fire Wood Pieces Collection	NIL	NIL	25,02,714	45,74,795
8	Cash Donation	8,206	22,001	44,923	1,06,208
9	Foreign Currency	NIL	NIL	NIL	2,00,259
	Total	94,81,462	87,83,657	3,17,70,957	4,86,31,997
10	Gold	20.250gram	30.600gram	241.500 gram	416.000 gram
11	Silver	317.00gram	245.00gram	856.500 gram	1768.000 gram
	Total	337.250 gram	275.600 gram	1,098.000 gram	2,184.000 gram
12	Fixed Deposit (Investment)	2,18,76,912 (For about 85 Years)		7,30,18,960 (For 2 ³ / ₄ Years)	

II. Specific Income Comparison Head of Incomes and the income derived from therein which are existing both in the period of Hereditary Trustees and in the period of official Fit Person

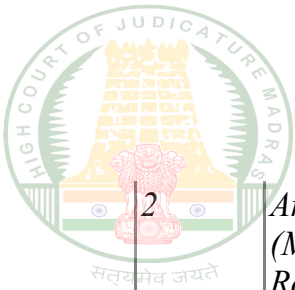


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S.N o.	Head of Income	Income derived before Fit Person took charge of the temple (Hereditary Trustees period)		Income derived after Fit Person took charge of the temple	
		Period	Amount Rs.	Period	Amount Rs.
1	General Hundial Income (Excluding Annadhana Hundial)	Fasli1418 to 1425 (Upto 06.03.2016) for 7 ³ / ₄ years	3,79,04,973	From 07.03.2016 to 31.12.2018 for 2 ³ / ₄ years	5,15,62,252
2	Annadhana Hundial alone	2008-2009 to 2015-2016 8 years	14,73,547	2016-2017, 2017-2018, 01.04.2018 to 31.12.2018 2 ³ / ₄ years	37,77,621
3	Jewel Items– Gold	Fasli1401 (1992) to 25.05.2015 (22years and 5 months)	118.750 grams	In 2 ³ / ₄ years	890.500 grams
4	Jewel Items– Silver	Fasli1401 (1992) to 03.08.2015 (22years and 8 months)	1158grams	In 2 ³ / ₄ years	3699 grams
5	Fixed Deposits	In 85 years	2,18,76,912	In 2 ³ / ₄ years	7,30,18,960

III. Head of Incomes which are introduced only in the period of official Fit Person and the Income derived for the past 2 ³/₄ year

S.No.	Head of Income	Fasli1426 Income Rs.	Fasli1427 Income Rs.	Fasli1428 Income Rs.	Total Income under this Head Rs.
1	Tonsuring of Human Hair	19,00,000	29,50,109	35,90,099	84,40,208



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2	Archanai Ticket (Milk Abishegam, Rosewater Abishegam etc.)	67,62,931	1,13,44,910	61,02,290 (01.07.2018 to 31.12.2018)	2,42,10,131
3	Ear Boring Auction	53,000	65,000	77,500	1,95,500
4	Coconut	71,000	73,000	85,500	2,29,500
5	Goat, Hen, Cock Collection	57,714	3,46,286	6,85,000	10,89,000
6	Ghee Lamp Sales	4,21,000	10,98,900	NIL	15,19,900
7	Child Cradle	NIL	41,500 (introduced first time)	45,700	87,200
8	Fire Wood Pieces Collection	NIL	NIL	6,500 (introduced first time)	6,500
9	Sale of Kanikkai Articles such as Brass Lamp setc., offered by devotees	1,27,995	3,53,510	3,47,521 (01.07.2018 to 31.12.2018)	8,29,026
10	** Plate Collection Hundial	25,04,400 (10.03.2017 to 30.06.2017)	1,07,59,022 (01.07.2017 to 30.06.2018)	55,95,268 (01.07.2018 to 31.12.2018)	1,88,58,730
11	Tiruppani Hundial	4,40,156	15,44,361	6,13,970	25,98,487
** During the period of Hereditary Trustees, the Plate Collection amount was not accounted into the temple income for the past 85 years upto Fasli 1425. During the period of Fit Person, the said income is brought into the temple account.					

IV. Overall Income of the Temple derived before Fit Person took charge of the Temple (Hereditary Trustees period) and after Fit Person took charge of the Temple

S.No.	Income derived before Fit Person took charge of the temple (Hereditary Trustees period)		Income derived after Fit Person took charge of the temple	
	Period	Amount Rs.	Period	Amount Rs.



1 From Fasli 1403– 1425 (Upto 07.03.2016) 22¾ years	6,28,96,421	In 2¾ years (From 08.03.2016 to 31.12.2018)	11,26,93,572
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V. Receipt of Foreign Currency Value during the period of Fit person In the Fasli 1428, during the period of Fit Person, the Foreign Currency was received to the value of Rs.2,00,259/-.

21.5. The said figures are supported by the data compiled by the authorities, including the materials obtained through CCTV monitoring and other supervisory mechanisms. Therefore, this Court finds no infirmity in the order of Writ Court to issue the following direction to the authority:

60. As per the practice in vogue, the two branches of Pandiyan @ Botha poosari [5 pax] and Periyannan @ Mahamuni poosari [5 pax] are having regular pooja turn alternatively for ten weeks, apart from the chithirai festival turn. As per this arrangement, there should be 10 poosaries and if a poosari is having the 1st turn of regular pooja, his next turn would come, after ten weeks, in the 11th turn. However, there are litigations regarding the claim of poosariship and the consequent sharing of Hundi income. On a closer look, it appears that roughly a sum of Rs.6.3 Crore was paid as poosaris' share alone for the past ten years. This huge income appears to be paving way for the litigations. Most of the writ petitions before this Court are filed claiming right in the hereditaryship and poosariship, as such they will be getting some share from the Hundi collections. In fact, the Department has furnished a list of 147 cases instituted by the persons



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claiming to be Trustees in relation to this Temple and they are contesting these cases by engaging Senior Counsels. Most of these cases relate to Hundi share alone. On the other hand, it is a very sorry state of affairs that even though the devotees are offering this much of donations to the deity, neither the Department nor the Trustees have made any developments in and around the Temple. Ultimately, the deity has been left in lurch.

61. It appears that this Court, in yet another proceedings in W.P.No.13 of 1993, dated 30.09.1999, while dealing with a suo-motu revision raised by the Commissioner regarding the very same issue of sharing the Hundi income, has observed as follows:-

“19. In fine, the Commissioner is entitled to proceed with the impugned suo-motu proceedings (i) as and when the interest of the public relating to the affairs of the respective temple requires such action; (ii) the conditions imposed in the order dated 08.05.1981 are violated; and (iii) any change of circumstances in the affairs of temple requires the revisional authorities, to reopen the matter. ...”

62. Notwithstanding the rise in the Temple's Hundai income from then to now, this Court is of the view that, given the number of litigations owing to this much of share amount and the misappropriation as well as maladministration, which led to the action initiated by the Department, this change in circumstances in the affairs of the Temple requires the revisional authority to reopen the matter, as per the above order dated 30.09.1999.

Moreover, this Court, in A.S.No.801 of 2002, dated 02.11.2018, has also held that the Joint Commissioner can revise the percentage of the share from the Hundai income for the poosaries / Trustees taking



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into consideration of all factors, like, the increase in Hundai income, the rise in cost of living, the rising cost of paditharam expenses and the rights of the Hereditary Trustees / poosaries to lead a life with dignity.

64. Therefore, this Court directs the Commissioner, HR CE, to take further action in this regard and this issue is answered accordingly.

21.6. The learned Judge has also displayed a commendable picture about the changing economic realities of the institution. The temple, which once functioned within modest revenue at the time of O.A.No.77 of 1980, now commands substantial revenues running into crores through plate and hundi collections. Time, however, is an unrelenting sculptor of circumstances. Today, the temple is thronged by nearly thousands of devotees per day. Plate collections alone exceed Rs.1 crore annually. Orders justified by necessity in 1980 cannot be assumed to carry forward unchanged into the present, particularly where circumstances have significantly altered. The earlier order must be confined to its factual context and cannot be treated as a perpetual entitlement. Judicial allocations must be assessed in their **contextual and temporal framework** judicial orders are products of their factual and temporal context. The earlier arrangement must therefore be confined to the circumstances in which it arose and cannot be treated as a perpetual entitlement. The Court notes the extraordinary factual matrix: the temple attracts large congregations, devotees



provide most pooja materials, and plate collections have overflow the hundi itself.

Continuation of the prior arrangement would lead to unjust enrichment, rewarding necessity's palliative with undeserved surplus. Therefore, What was once sustenance in times of meagre income is now appropriately measured against the temple's robust present-day resources and cannot not allowed as a vehicle of **unjust enrichment and** cannot be sanctified by custom in an era of abundance. It is well settled jurisprudence principles that *Law without conscience undermines justice; justice without context is a cloak without warmth* and *Justice is not frozen in time; it is a living principle* . In the extraordinary circumstances now revealed, it is both just and necessary to recalibrate the earlier order in O.A.No.77 of 1980, where Poojaris share in the hundial collection fixed as 50% as directed in *A.S.No.801 of 2002, dated 02.11.2018* considering huge plate collection. This court also reminder of following social transformation principle:

“Since social justice is part of the scheme of justice itself, such special measures shall neither to be disproportionate nor arbitrary. Borne in necessity, its scope ought to be remitted by necessity itself”.

21.7. Accordingly, the learned Judge has correctly directed the Commissioner to look into the issue and to take appropriate action in accordance with law. This Court, therefore, finds no infirmity in the order under challenge. On the contrary, to interfere would be to condone a continuing wrong. *It is also permissible to pass*



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*extraordinary remedy upon consideration of extraordinary circumstances as stated by the Hon'ble Supreme Court in the case of **Prithipal Singh v. State of Punjab**, reported in (2012) 1 SCC 10.* This Court, therefore, finds no infirmity in the reasoning or the directions of the learned Judge

22. Discussion on the submission of mediation:

During the course of the hearing, an additional contention was advanced that the matter had been referred to the Mediation and Conciliation Centre and that the resultant report was not taken into consideration by the Writ Court. The said submission is liable to be rejected at the threshold. The core issue for determination is whether the parties to the mediation proceedings—namely, the private parties and the rival claimants to the Poosariship and the collection of offerings—are legally entitled to any relief. The dispute arises from the order passed by the competent authorities, wherein it has been categorically held that none of the parties are entitled to any relief under section 55 of the Act 22 of 1959 and Rules, 1964. The appellants never arrived at any settlement. In such circumstances, any arrangement, settlement, or consensus arrived at *inter se* between the parties in the course of mediation cannot, in any manner, affect or override the statutory determination rendered by the authorities. Accordingly, the mediation proceedings between the rival parties are wholly irrelevant for the purpose of adjudication, particularly when both parties stand disqualified from claiming any relief under the governing statutory framework.



Therefore, from every perspective—both on facts and in law—the claim of the appellants is not legally maintainable.

23. Conclusion and suggestion:

It is a matter of deep-rooted religious belief among the devotees that “the presiding deity of Arulmigu Pandi Muneeswarar Temple” shortly called “*Pandi Muni*” safeguarding the city of Madurai. Therefore, the shrine of Pandi Muni, revered as the sentinel spirit of Madurai, draws to its sacred precincts a ceaseless tide of faith—an ocean of devotees whose numbers swell beyond arithmetical measure. Faith, when it flows in such abundance, brings with it offerings in profusion, The hundials overflow, the plates are laden, and the coffers ring with the currency of devotion. The hereditary Poosaris(priests), instead of depositing the said collections to the credit of the temple, have misappropriated the same for their personal gain. Therefore where wealth gathers, the shadow of mismanagement lurks close behind. Consequently, litigations are spontaneously increasing upon making rival claim one after other to the extent of making throat cutting allegation against each other.

23.1. Hundi collection is not the fiefdoms of a poosari and is resource held in trust for the community of worshippers and also impressed with a public character. Hon'ble Supreme Court in several cases including in the case of *Shri Jagannath Temple Puri Management Committee v. Chintamani Khuntia*, (3 Judges Bench)



reported in [(1997) 8 SCC 422], has held that poosaris are not entitled to share in monies deposited in the hundis as matter of right. Merely because some monies were directed to be paid to meet their livelihood for their service of poosariship in lieu of remuneration in the year by taking account of that perion income as necessity will not confer any right on the poosaris to get any lion's share in the line of succession as if the said hundis collection is their family property. To invoke antiquated orders of a bygone era as a licence for present impropriety is to mock the march of justice. Hence, any attempt to divert these resources for personal aggrandisement is a betrayal of the very faith that sustains the institution. This court also finds no material to presume that the poosaris have done any welfare activities but have only spent for their lavish expenditure and litigating expenditure. Learned judge also on assessment of record has held that number of persons without doing poojas have been receiving amount. Fighting for share in hundi collection as their family property's accrued income shocks judicial conscience of this court. More particularly on the account of judicial notice of the prevailing condition of temples across the State of Tamil Nadu, where several temples are in a dilapidated condition due to lack of adequate funds. In many instances, financial condition to perform even a single daily pooja is not viable and where numerous temples struggle for basic maintenance and for the conduct of daily poojas due to lack of funds. The stark contrast between such institutions and the present temple, which enjoys substantial and increasing income, underscores the need for equitable and responsible financial management.



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23.2. Pursuant to the directions of the Hon'ble Supreme Court, a Committee has been constituted, and the administration of the temple presently vests with the said Committee. Further, this Court, in C.M.A.(MD).No.1038 of 2024, reconstituted the Committee and directed the Government to conclude revisions which are pending before the secretary to the Government, Tourism, Culture and Religious Endowment Department wherein an enquiry be conducted into the allegations levelled for grave charges against the so-called hereditary trustees who had already been removed from the post of the hereditary trusteeship.

23.3. A perusal of the proceedings in A.S.No.1 of 1925, O.A.No.459 of 1933, and WA.No.487 of 1969, along with the present litigations and the grave charges pending consideration before Government, demonstrates that substantial and consistent material has been produced by the competent authorities establishing continuous mismanagement. Therefore, this Court considering the maladministration in the year 1925 onwards even during the period of Valliammal and the amount of both plate collection and Hundi collection and other emoluments are more than crores, Rival claims were made by two groups, namely Pandiyan Poosari group and Periyannan Poosari group, each asserting entitlement over temple rights by initiating more than 130 litigations and certain individuals asserting themselves to be representatives of elderly poosaris or hereditary trustees was also found not to be supported by any legal entitlement or documentary proof and that too, without



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performing regular poosaris or undertaking any developmental activities for the benefit of the temple and *also there was assault on the officers by the rival claimants inside the temple premises and to safe guard the huge amount of devotees to be spent for the welfare of the temple in near future, to cleanse the sanctum of all that sullies its sanctity*, it becomes imperative for the Government to intervene in exercise of its statutory powers, this Court deems it proper to ***suggest to the Government to take the temple under its control by invoking the various provision of the Act, 22 of 1959*** when such power has been recognized by constitution of india and also under statute as held by the Hon'ble Supreme Court in ***S.P. Mittal v. Union of India***, reported in ***AIR 1983 SC 1***, and in other authoritative pronouncements.

23.4.As per the Rules of 2020 presently in force, the Department is vested with the authority to initiate the process for appointment of a *Poosari*. In the event such a process is undertaken, it is open to any of the legal heirs of Valiyammal to submit their application for the said post and In the event of any application being submitted by the legal heirs of Valliammai, the Department shall accord preference to such applicants who possess no adverse antecedents and who have not been involved in any act of mismanagement.

23.5.A further perusal of the records reveals a significant and disquieting aspect, namely that the matter has been listed before different jurisdictional Judges at



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various stages. This has resulted in material facts not being fully and consistently disclosed before each forum, leading to suppression of relevant particulars and, consequently, diversion or dilution of earlier orders have been passed by this Court. It is also evident that, upon obtaining interim orders, the parties have, in several instances, chosen not to prosecute the proceedings to their logical conclusion, instead, they have settled matters inter se and continued to appropriate the hundi collections of the temple, despite having no lawful authority or recognized right over its administration. Such conduct clearly demonstrates a pattern of abuse of the judicial process and unauthorized siphoning off temple funds. In view of these special circumstances, and having regard to the paramount interest of safeguarding the temple and its properties, this Court considers it appropriate, as a special measure, to direct that the Registry place the matter before the Hon'ble Chief Justice for appropriate orders. The Hon'ble Chief Justice may consider designating and assigning all matters pertaining to Arulmigu Pandi Muneeswarar Temple pending this bench so as to ensure consistency in adjudication. Such a course would effectively prevent multiplicity of proceedings before different Benches of this Court and the civil courts, avoid conflicting orders, and ensure that all related issues are comprehensively addressed in a coordinated manner.



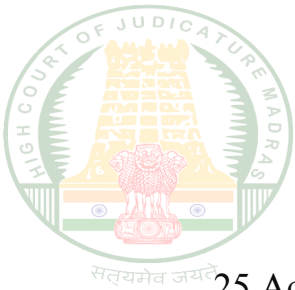
24. Accordingly, all the writ appeal are **dismissed** with the following directions:

(i) No person including the appellants in these writ appeals and the other private respondents in W.A.(MD).No.25 of 2025 are entitled to claim right of hereditary poosari of the Arulmighu Pandi Muneeswarar Temple, Madurai.

(ii) The direction of writ Court at paragraph No.64 in the impugned judgment and the reasoning in paragraph Nos.60 to 62 is hereby affirmed. Therefore, the Commissioner of HR & CE Department, shall take necessary action within a period of two months from the date of receipt of a copy of this order.

(iii) This Court also directs the Government to pass the orders in the proceedings pending before the Secretary to the Government, Tourism, Culture and Religious Endowment Department/first respondent as per W.A.(MD).No.397 of 2026, relating to the removal of the trustees of the Arulmighu Pandi Muneeswarar Temple, Madurai within a period of four weeks from the date of receipt of a copy of this order, as per the direction issued in C.M.A.(MD).No.1038 of 2024.

(iv) This Court also suggests to the Government, namely, secretary to the Government, Tourism, Culture and Religious Endowment Department/first respondent in W.A.(MD).No.397 of 2026 to take over the administration of the temple under its absolute control after following the due process of law.



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25. Accordingly, the writ appeals are devoid of merits and stand dismissed with the above directions and the suggestion. Consequently, connected Miscellaneous Petitions are closed. No costs.

[Dr.G.J., J.] & [K.K.R.K., J.]
02.04.2026

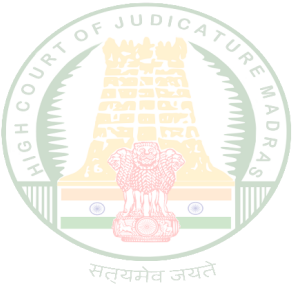
NCC :Yes/No

Index :Yes/No

Internet :Yes/No

To

1. The Secretary to Government, Tourism, Culture and Religious Endowment (RE3.1) Department, Fort St. George, Chennai-600 009.
2. The Commissioner, Hindu Religion and Charitable Endowment Department, Chennai.
3. The Commissioner, Hindu Religion and Charitable Endowment Administration Department, Uthamar Gandhi Salai, Nungambakkam, Chennai.
4. The Joint Commissioner, Hindu Religious and Charitable Endowment Administration Department, Madurai.
5. The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai.
6. The Deputy Commissioner/ Executive Officer, A/m. Pandimuneeswarar Temple, Melamadai, Madurai.
7. Arulmighu Pandi Muneeswarar Thirukovil, Represented by its Managing Trustee, Melamadai, Madurai.
8. The Board of Trustees Arulmighu Pandimuneeswarar Temple, Melamadai, Madurai-625 020, Through its Managing Trustee Ponnu Pandian.



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DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

sbn

W.A(MD)Nos.25, 396, 397, 398 and 399 of 2025 and 198, 199, 209 and 210 of 2026
and
C.M.P(MD)Nos.2130, 2131, 2211, 2212, 3148, 3149,3151,191 and 192 of 2025

02.04.2026