

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 1903 of 2026

and

W.M.P.No.2005 of 2026

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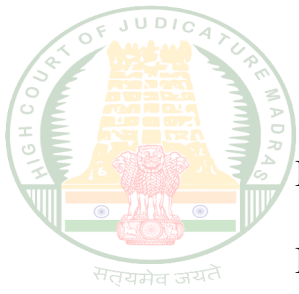
..Petitioner

Vs

1. The Commissioner,
HR and CE Department,
Nungambakkam,
Chennai- 600 034.
2. The Joint Commissioner,
HR & CE Department,
Master Plan Complex,
Viluppuram- 605 602.
3. The Election Officer/ Assistant Commissioner,
HR & CE Department,
Kallakurichi.
4. The Assistant Commissioner/Executive Officer,
Arulmigu Angalamman Thirukoil,
Melmalaiyanoor, Gingee Taluk,
Villuppuram District- 604 204.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, calling for the records relating to the first respondent's G.O.(P).No. 42 of the Tourism, Culture and Endowments (A.N.3-1) Department dated 14.02.2024 in so far as it relates to 2 years tenure for the trustees of the fourth respondent temple, the first respondent's proceedings in Na.Ka.2265398/2025/A1 dated 23.12.2025 and the third respondent's proceedings on the Trustees Election Schedule 2025- 2026 dated 07.01.2026 and quash the same.



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For Petitioner:

Mr.K.Sakthivel

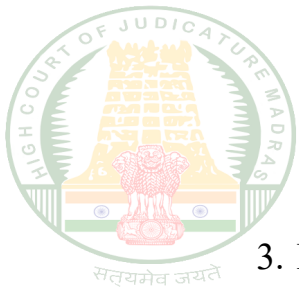
For R1 to R4:

Mr.N.R.R.Arun Natarjan
Special Government Pleader

ORDER

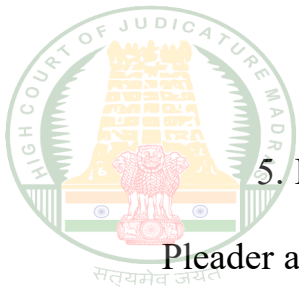
This writ petition is filed for a writ of Certiorari, calling for the records relating to the first respondent's G.O.(P) No. 42 of the Tourism, Culture and Endowments (A.N.3-1) Department, dated 14.02.2024, in so far as it relates to the two year tenure for the trustees of the fourth respondent temple; the first respondent's proceedings in Na.Ka. No. 2265398/2025/A1 dated 23.12.2025; and the third respondent's proceedings in the Trustees Election Schedule 2025–2026 dated 07.01.2026 and to quash the same.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the respondents have now notified the constitution of the Trust Board in respect of the seven families in which the trusteeship would devolve hereditarily as per the scheme. Since the trusteeship devolves by way of succession and is hereditary in nature, once the trustees are hereditary trustees, the tenure prescribed under Section 47(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 as two years will not be applicable and the original tenure prescribed is three years. Therefore, this election notification should also take the same into consideration.



3. Earlier, the issue was agitated before this Court in W.P. No. 39109 of 2024 and the same was decided holding that Section 47(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 would prevail over any scheme and that the tenure would be only two years. While deciding the said writ petition, the fact that these trustees were hereditary trustees and that Section 47(3) of the HR & CE Act, would not be applicable was not brought to the notice of this Court. Therefore, the petitioner has once again approached this Court with reference to the tenure.

4. The learned counsel would specifically point out the definition of the term “hereditary trustee” as contained in Section 6(11) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Thereafter, the learned counsel would take this Court to Section 47(2) and submit that, on a combined reading of the definition of the term “hereditary trustee” along with the scheme, it can be seen that only persons belonging to the seven families alone are vested with hereditary trusteeship by way of succession. As such, they are hereditary trustees and once they are termed as hereditary trustees, by virtue of Section 47(1) read with Section 47(3) of the HR & CE Act, the reduction of tenure should not be applied in the instant case and the tenure should be only three years.



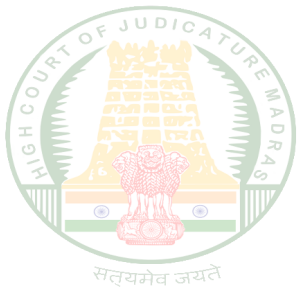
5. Per contra, *Mr.N.R.R.Arun Natarajan*, the learned Special Government Pleader appearing for the respondent 1 to 4 would submit that even on a perusal of the scheme decree, it can be seen that the power of appointment has been granted to the Board. Once the power of appointment has been granted to the Board and the Board appoints the trustees, Section 47 of the Act comes into play. It is relevant to consider Section 50 of the Act, which expressly overrides any scheme in this regard. The issue is no longer *res integra* and has been considered repeatedly in many cases. This is not a case of automatic succession, but one of a hybrid nature, wherein the candidature is restricted to members of the concerned families alone. Therefore, the contention of the petitioner cannot be accepted.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. It is relevant to extract Sections 6(11), 47 and 50 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, which read as follows:

6(11) “Hereditary Trustee” means the trustee of a religious institution, the succession to whose office devolves by hereditary right or is regulated by usage or is specifically provided for by the founder, so long as such scheme of succession is in force;

47. Trustees and their number and term of offices.—
(1) 2(a) Where a religious institution included in the list published under section 46 or in respect of which the Assistant



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Commissioner has no power to appoint trustees, has no hereditary trustee,—

(i) in cases falling under clause (i) of section 46, the Joint Commissioner / Deputy Commissioner ;

(ii) in cases falling under clause (ii) of section 46, the Commissioner; and

(iii) in cases falling under clause (iii) of section 46, the Government,

shall constitute a Board of Trustees.

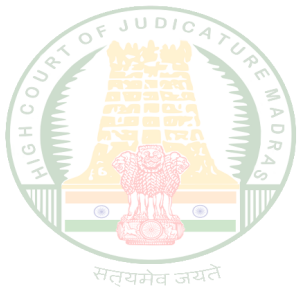
Provided that the Board of Trustees constituted under items (i) and (ii) of the clause shall, subject to the provisions of clause (c) consist of three persons appointed by the Joint Commissioner / Deputy Commissioner or the Commissioner, as the case may be, of whom, one shall be a member of the Scheduled Castes or Scheduled Tribes :

Provided further that in addition to the persons appointed by the Joint Commissioner / Deputy Commissioner or the Commissioner under items (i) or (ii) of this clause, as the case may be, the Government may nominate two persons who are qualified for appointments as trustees under this Act, as members of the said Board of Trustees, having regard to the following matters, namely:—

- (a) the interest of the public generally ;*
- (b) the income and the properties of the religious institutions;*
- (c) the number of worshippers and importance of the religious institutions as a pilgrim center; and*
- (d) such other matters as may be prescribed.]*
- (b) in respect of all the incorporated and unincorporated Devaswoms in the transferred territory, the 1[Government] shall constitute a single Board of Trustees ;*
- (c) every Board of Trustees constituted under clause (a) or clause (b) shall consist of not less than three and not more than five persons, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes: and another one shall be a woman*

Provided that [the Government, the Commissioner, the Joint Commissioner or the Deputy Commissioner], as the case may be, may, pending the constitution of such Board of Trustees under this sub-section, appoint a fit person to perform the functions of the Board of Trustees.

[(2) Where in the case of any institution include in the list published under section 46 having a hereditary trustee or trustees, [the Government, the Commissioner or the



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Joint/Deputy Commissioner] after notice to such trustee or trustees and after such enquiry as [the Government, the Commissioner or the Joint/Deputy Commissioner], as the case may be, deems adequate, considers for reasons to be recorded, that the affairs of the institution are not and or not likely to be properly managed by the hereditary trustee or trustees, [the Government, the Commissioner or the Joint / Deputy Commissioner may, by order, appoint a non-hereditary trustee or such number of non-hereditary trustees, as may be considered necessary by [the Government, the Commissioner, or the Joint/Deputy Commissioner], as the case may be.

(3) Every trustee appointed under sub-section (1) and subject to the result of an application, if any, filed under sub-section (4), every non-hereditary trustee appointed under sub-section (2) shall hold office for a term of [two year], unless in the meanwhile the trustee is removed or dismissed or his resignation is accepted by [the Government, the Commissioner or the Joint / Deputy Commissioner], as the case may be, or he otherwise ceases to be a trustee.

Provided that every trustee, who has completed a term of office of one year on the 16th day of July 2006 shall cease to hold office forthwith and every trustee who completes a term of office of one year after such date shall cease to hold office on such completion.

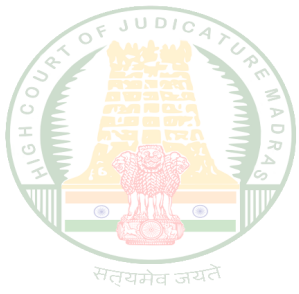
Provided further that every trustee who has not completed a term of office of one year on the date of commencement of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2010(Tamil Nadu Act 12 of 2010) shall continue to be the trustee for the period of two years from the date of his appointment.

(4) Where [the Government, the Commissioner or the Joint /Deputy Commissioner], by order, appoints a non-hereditary trustee or trustees, the hereditary trustee or trustees may, within thirty days of the receipt of the order, file an application to the Court to set aside or modify such an order :

Provided that the Court shall have no power to stay the order of [the Government, the Commissioner or the Joint / Deputy Commissioner], as the case may be, pending the disposal of the application.

*5[(5) * * * * *] Omitted.*

6[47-A. Delegation of powers by Government.—*The Government may, by notification, authorise the Commissioner to exercise the powers vested in them under second proviso to*



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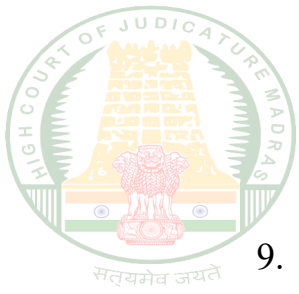


clause (a) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49, in respect of any religious institution.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.

Section 50 *Power under 1(Sections 47, 49 and 49-A) to be exercisable notwithstanding provisions in scheme-The power to appoint trustees under Section 47 or section 49 (or Section 49-A) shall be exercisable notwithstanding that the scheme, if any, settled, or deemed under this Act to have been settled for the institution contains provisions to the contrary.*

8. Thus, upon a consideration of the definition, though it can be seen that persons belonging to the family can be considered as hereditary trustees, as there is an element of succession, at the same time, this is not a case of pure and simple succession. It is only the candidature that is restricted to the families and there is an election and a power of appointment vested with the Board. Therefore, once the selection is by way of a hybrid nature, on a reading of Section 47(1) of the Act, it would be clear that the said provision is applicable, and once the section is applicable, by virtue of Section 50 of the Act and the earlier judgment of this Court, Section 47(3) of the Act will prevail over the scheme. As such, the respondents are right in fixing the tenure as two years. The issue has also been decided in W.P. No. 39109 of 2024. Thus, even on considering the additional point raised before this Court, I do not see any reason to differ from the view taken by *M. Balasundaram*, cited *supra*. Therefore, for all the aforesaid reasons, the prayer of the petitioner cannot be countenanced.



9. Finding no merits, the writ petition stands ***dismissed***. No costs.

Consequently, connected miscellaneous petition is closed. No costs.

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Neutral Citation: Yes

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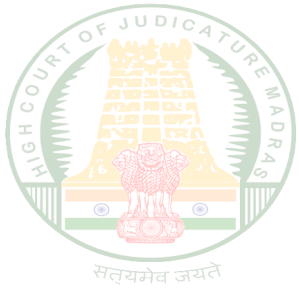
To

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D.BHARATHA CHAKRAVARTHY, J.

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