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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 2240 of 2022

1. S.P.Selvam
2. S.Rajeswari
3. J.Radha
4. A.R.Suganya
5. V.Narasiman

..Appellant(s)

Vs

1. The Commissioner
HR And CE Admn,Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai- 34.
2. Joint Commissioner
HR And CE Admn. Department,
Madurai.
3. Deputy Commissioner / Executive Officer
A/m.Kallalagar Thiru Koil, Alagar Koil, Madurai.
4. Pitchai Ammal @ Kamatchi
5. M.Anandan
6. D.Tamil Ganesan
[R6 impleaded vide court order dated
5.11.2025 made in CMP.No.19120/2022 in
WA.No.2240/2022]
7. The Assistant Commissioner Cum Executive
Officer



A/M Koodalalagar Perumal Koil, Madurai.
[7th respondent impleaded vide court order
dated 24.11.2025 made in
CMP.No.29126/2025 in WA.No.2240/2022]

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..Respondent(s)

To set aside the order of the Learned Judge dated 18.08.2022 passed in W.P.No.20193 of 2022 by allowing the Writ Appeal and remanded the matter to the 1st respondent with a direction to dispose the appeal filed in A.P.No.24/2019 on merits and thus render justice.

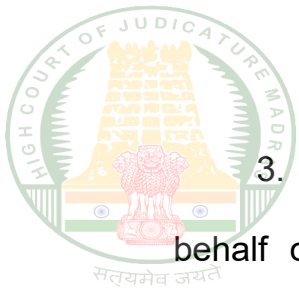
For Appellant(s):	Mr.N.L.Rajah, Senior Counsel For Mr.V. Venkatasamy
For Respondent(s):	Mr.S.Ravichandran, Additional Government Pleader For Rr1 &2. Mr.J.Ram, For Rr3 & 7. Mr.R.Subramanian ,For R 4 No Appearance For R5 Mr D. Rajagopal, For R6.

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Mr.N.L.Rajah, learned Senior Counsel appearing on behalf of the writ appellants would submit that main ground raised by the department is that a suit would lie under Section 70 of Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the “Act”) against the order passed by the Commissioner.

2. Admittedly, order of the Commissioner is under challenge in the writ proceeding. The Writ Court also held that an aggrieved person has to institute a suit under Section 70 of the Act.

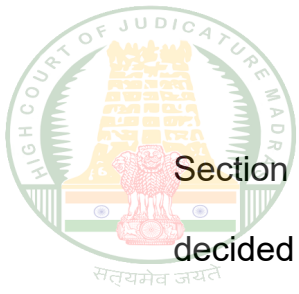


3. In view of the said provision, learned Senior Counsel appearing on behalf of the appellants would urge this Court that appellants may be permitted to raise all the grounds raised in writ petition and writ appeal in the suit. The suit may be decided independently and uninfluenced by the observations, if any, made on facts by the Writ Court in the order impugned in the writ appeal.

4. Learned counsel for HR and CE Department as well as the learned counsel appearing for the temple would also submit that writ petition is not maintainable, and the order passed by the Commissioner is to be taken by way of a civil suit under Section 70 of the Act.

5. Learned counsel for the 6th respondent would also oppose by stating that present intra-court appeal is a second round of litigation. Therefore, the appellants are not entitled for any relief from the hands of this Court.

6. May that as it be, it is not in dispute that any order passed by the Commissioner, HR and CE is to be challenged by way of a suit under Section 70 of the Act. Disputed issues ought to be resolved in a trial nature proceeding. Therefore, High Court in exercise of the powers of judicial review may not be in a position to conduct a roving enquiry with reference to the documents and evidences produced between the parties to the lis. Therefore, appellants or any aggrieved person is at liberty to institute a suit under



Section 70 of the Act. In the event of institution of suit, the same may be decided on its own merits and in accordance with law and uninfluenced by the observations, if any, made by the Writ Court on facts.

7. Registry is directed to handover the original copy of the impugned order enclosed along with the writ petition to the learned counsel for the writ petitioner on record.

8. With these observations, the writ appeal stands disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (C.K.,J.)
21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD
To

1. The Commissioner
HR And CE Admn, Department, 119, Uthamar
Gandhi Salai, Nungambakkam, Chennai- 34.
2. Joint Commissioner
HR And CE Admn. Department, Madurai.
3. Deputy Commissioner / Executive
OfficerA/m.Kallalagar Thiru Koil, Alagar Koil,
Madurai.
4. The Assistant Commissioner Cum Executive
OfficerA/M Koodalalagar Perumal Koil,
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WEB COPY

WA No. 2240 of 2



**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

GD

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