

W.A(MD)No.2315 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.2315 of 2025
and
C.M.P(MD)No.13036 of 2025**

J.Gurusamy

... Appellant /
4th Respondent

Vs.

1.Marimuthu

... 1st Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Departments,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Departments,
H 306 TNHB Colony,
Ellis Nagar,
Madurai.

4.The Executive Officer /
Assistant Commissioner,



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Arulmighu Mariamman Thirukovil,
Irukkangudi, Sattur Taluk,
Virudhunagar District.

... Respondents 2 to 4 /
Respondents 1 to 3

5.S.R.M.Ramamurthi Poosari,
Chairman Board of Trustees /
Hereditary Trustee,
Arulmighu Mariamman Thirukovil,
Irukkangudi, Sattur Taluk,
Virudhunagar District.

6.Guruvaraj

7.Solaiyappan

8.Krishnasamy

9.Anandhaprasath
***(R.9 is impleaded vide order of
this Court dated 31.07.2025)***

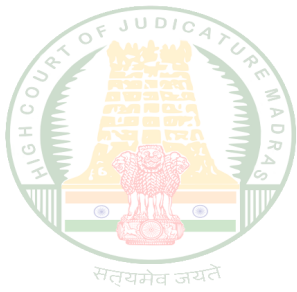
... Respondents 5 to 9 /
Respondents 5 to 9

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 31.07.2025 made in W.P(MD)No.18490 of 2025 on the file of this Court and allow the Writ Appeal.

For Appellant : Mr.J.Barathan
for M/s.Ajmal Associates

For Respondents : Mr.H.Lakshmi Shankar
for Mr.S.Vishnuvardhan for R.1

Mr.P.Subburaj
Special Government Pleader
for R.2 & R.3



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Mr.S.Manohar for R.4

Mr.N.Dilip Kumar for R.5

Mr.S.Vellaichamy for R.6, R.7 & R.8

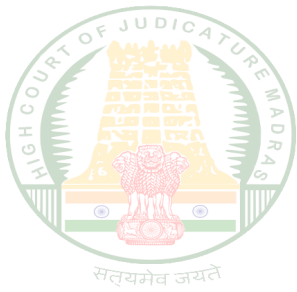
Mr.G.Mohankumar
for Mr.V.Meenakshisundaram for R.9

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.One Gurusamy of Irukkangudi Village filed O.A.No.13 of 2024 on the file of Joint Commissioner, HR&CE Department, Madurai under Section 63(e) of the Tamil Nadu HR&CE Act seeking declaration regarding conferment of certain honours. The OA was allowed vide order dated 28.03.2025. Questioning the same, W.P(MD)No.18490 of 2020 was filed. The learned single Judge vide order dated 31.07.2025 quashed the order passed by the Joint Commissioner and remitted the matter for fresh consideration. Aggrieved by the same, Gurusamy has filed this Writ Appeal.

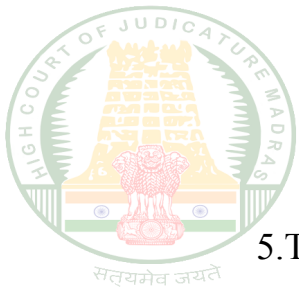


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3. It is seen that Gurusamy did not seek any conferment of personal honour. On the other hand, the relief sought was for a community. However, Gurusamy did not file the OA in a representative capacity. The members of the trust board were also not impleaded as parties. The Executive Officer of the petition mentioned temple alone was made as the sole respondent. This was a clear breach of procedure. That is why the learned single Judge quashed the order impugned in the writ petition. We endorse the approach adopted by the learned single Judge.

4. The applicant shall file an application seeking permission to sue in a representative capacity. Since five villages are involved, the applicant has to implead representatives from all the five villages. The trustees have to be impleaded. The writ petitioner must also be impleaded. The Joint Commissioner, HR&CE Department, Madurai shall dispose of the OA on merits and in accordance with law within a period of nine months from the date of receipt of a copy of this order.



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5.This Writ Appeal stands dismissed. There shall be no order as to costs.

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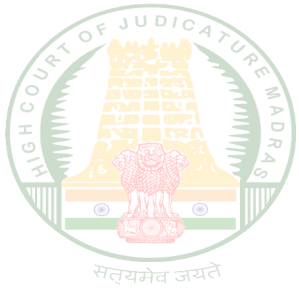
Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
07.08.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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