

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.03.2026

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)No.339 of 2026
and
CMP.(MD)No.3205 of 2026

Sivasubramania Bhattar

... Appellant

Vs.

1.The Commissioner
Hindu Religious and Charitable Endowments
Chennai.

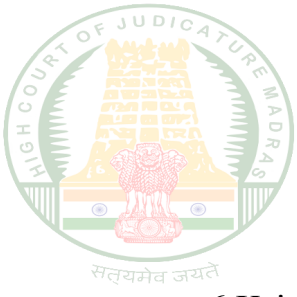
2.The Joint Commissioner
Hindu Religious and Charitable Endowments
Thirunelveli.

3.The Joint Commissioner
Hindu Religious and Charitable Endowments
Tuticorin.

4.The Executive Officer
Arulmighu Subramania Swamy Temple
Thiruchendur
Tuticorin District.

5.The Chairman
Board of Trustees
Arulmighu Subramania Swamy Temple
Thiruchendur
Tuticorin District.

1/16



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6.Krishnamoorthy Bhattar K
S/o. Late Kalyana Appasamy Bhattar
No.29/17
Kariamanicka Perumal Koil Street
Thirunelveli - 627 006.

... Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters patent, praying to set aside the judgment dated 17.02.2026 in WP.(MD)No.16043 of 2025 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan
For R1 to R3 : Mr.J.Ashok,
Additional Government Pleader
For R4 & R5 : Mr.M.Muthugeethaiyan

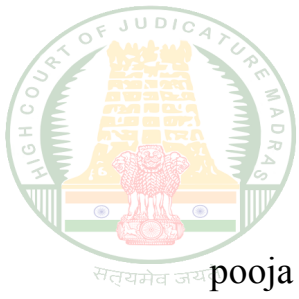
JUDGMENT

(Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed in WP.(MD)No.16043 of 2025 dated 17.02.2026.

2.Originally, the appellant/writ petitioner has challenged the order passed by the Commissioner, Hindu Religious and Charitable Endowments Department in R.P.No.1 of 2025/D2 . It is the case of the appellant that his grand-father, Sankarakuthala Bhattar had 1 ¼ days

2/16



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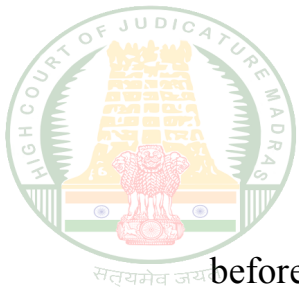
pooja murai in the pooja turn that runs between 18th day to 20th day of every Tamil month in the fourth respondent temple. In 1948, the said Sankarakuthala Bhattar fell in ill and since the appellant's father was a minor by that time, the appellant's grandfather as a stop gap arrangement had given a leave vacancy request to permit his cognate Krishna Bhattar to perform the pooja murai. In 1952, for some misdeeds, said Krishna Bhattar was suspended. He had son by name Kalyana Appaswamybhattar, who is the father of the sixth respondent. After suspension of Krishna Bhattar in 1952, another cognate of appellant's grandfather was doing the pooja murai. After the death of the appellant's grandfather, the said Kalyana Appaswamybhattar filed a suit in O.S.No. 297 of 1969 on the file of the District Munsif, Srivaikuntam seeking declaration that he is entitled to hereditary right to perform the pooja murai. By a judgment and decree dated 08.12.1971, the said suit was dismissed after holding that the appellant's father is entitled to 1 ¼ day murai. The said judgment was implemented by the temple and the appellant's father was doing pooja murai till 2007. One Alagammal, W/o.Krishna Bhattar and grandmother of the sixth respondent made a request with the temple to provide the pooja murai to her grandson, the sixth respondent herein, which was rejected by the temple administration



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on 28.08.2007 and the same was challenged by the said Alagammal in WP.(MD)No.7624 of 2007 and the said case was dismissed on 14.07.2009. Again, the sixth respondent had challenged the same proceedings in WP.(MD)No.6093 of 2009 and the said writ petition was also dismissed on 20.01.2011 with liberty to file a civil suit.

2.1.The sixth respondent had filed suit in O.S.No.47 of 2011 before the District Munsif, Tiruchendur. Later, the then temple administration had entered into some understanding and based on the same, the said suit was not pressed, on 23.02.2012. The temple administration issued a proceedings dated 23.02.2012 giving 1 ¼ days pooja murai to the sixth respondent. Aggrieved over the same, the appellant had filed a writ petition in WP.(MD)No.2298 of 2012 and the same was disposed of by an order dated 08.03.2012 relegating the appellant to the appellate authority. Accordingly, the appellant filed R.P.No.16/2022/D2 before the Commissioner, Hindu Religious and Charitable Endowments Department. By an order dated 16.11.2012, the appellant was directed to file an appeal under Section 55(4) of the Hindu Religious and Charitable Endowments Act [hereinafter referred as 'the Act']. Accordingly, the appellant filed the appeal in A.P.No.1 of 2013



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before the Joint Commissioner, Tirunelveli and by an order dated 23.01.2013 in I.A.No.1 of 2013, the Joint Commissioner granted stay. Aggrieved by the interim order, the sixth respondent filed R.P.No.64 of 2013/D2 before the Commissioner, Hindu Religious and Charitable Endowments Department and the same was dismissed with a direction to the Joint Commissioner to dispose the appeal in A.P.No.1 of 2013.

2.2.The sixth respondent challenged the said order in WP.No. 21153 of 2013 and this Court interim stay of further proceedings in A.P.No.1 of 2013, on 01.08.2013. The appellant was permitted to do pooja. To that effect, proceedings came to be issued on 01.09.2013. Aggrieved over the same, the sixth respondent has filed R.P.No.100 of 2013 before the Commissioner, Hindu Religious and Charitable Endowments Department and the same was disposed of vide order dated 12.05.2014. Aggrieved over the same, the appellant had filed a writ petition in WP.No.24209 of 2014 and the same was dismissed on 14.10.2022, directing the appellant to approach Madurai Bench. Thereafter, the appellant filed a writ petition in WP.(MD)No.14794 of 2023 and this Court disposed of the said writ petition with certain terms. While so, the third respondent had rejected the appeal preferred by the



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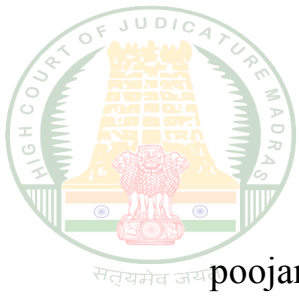
appellant in A.P.No.1 of 2022 vide order dated 09.08.2023. Aggrieved over the same, the appellant preferred a writ petition in WP.(MD)No. 21242 of 2023 and this Court vide order dated 02.08.2024 disposed of the said writ petition directing the appellant to approach the first respondent under Section 21 of the Act and aggrieved over the aforesaid order, the sixth respondent preferred an appeal in WA.(MD)No.1544 of 2024 and by an interim order dated 06.11.2024, this Court issued an interim order of Status Quo. The appellant filed a revision before the first respondent as directed by this Court. The first respondent had disposed of the said revision in R.P.No.1 of 2025/D2 with certain terms, vide order dated 29.05.2025. The first respondent ordered that the decision of the Joint Commissioner in dismissing A.P.No.1 of 2022 vide order dated 09.08.2023 is confirmed and the decision of the Joint Commissioner in confirming the order dated 23.02.2012 of JC/EO, in allowing Krishnamurthy Bhattar to perform 1% day pooja murai is rejected. It is also directed that it was open to JC/EO to fill up the vacancies of Archagar, if any, in accordance with law. It is also open to both the appellant and Krishnamurthy Bhattar to apply for the post of Archagr, if they are otherwise qualified, but certainly not under hereditary rights. The said proceedings dated 29.05.2025 came to be



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challenged by the appellant in WP.(MD)No.16403 of 2025. Aggrieved over the said order dated 29.05.2025, the said Krishnamurthy Bhattar has also filed a writ petition in WP.(MD)No.15610 of 2025. The writ Court, vide common order dated 17.02.2026, dismissed the both the writ petitions. Challenging the same, the appellant/writ petitioner has preferred the present writ appeal.

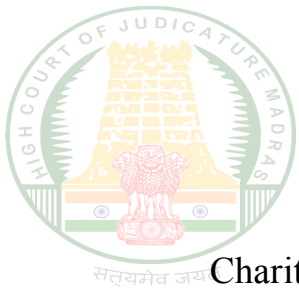
3.The learned counsel appearing for the appellant would submit that the sixth respondent's father already filed a suit against the appellant's father and the same had ended in favour of the appellant's father. Therefore, the question of approaching the civil Court once again does not arise. The civil Court decree is binding on the parties and therefore directing the parties to approach the civil Court once again does not arise. No review under Section 114(A) of the Act would lie to the Government as against the order passed by the Commissioner under Section 21 of the Act. The said provision is for review of its own the order by the Government. The Writ Court rejected the revision on the ground that by virtue of Section 55(2) of the Act the hereditary succession to poojariship was abolished is un-sustainable. By virtue of 1971 amendment to Section 55 of the Act, the hereditary succession to



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poojariship was abolished. The said provision was upheld by the Hon'ble Apex Court in Seshammal's case reported in 1972 (2) SCC 11. However, the Hon'ble Apex Court in the judgment reported in 2016(2) SCC 725 in Adi Saiva Sivacharya's case held that if the agama/practise of the temple permits pooja by succession the same is not covered by Seshammal's case. The first respondent failed to consider that the amendment made to the Section 55 abolishing the hereditary succession to the office holders of the temple, is only for making fresh appointments pursuant to any vacancy that has to be filled up. The order impugned in the writ petition came to be passed by the first respondent, who has no authority to interpreted as per judgment of the Hon'ble Supreme Court and the amendment made to Section 55 of the Act as per Tamil Nadu Amendment 2 of 1971, which was came to effect on 09.08.1971 and no opportunity of hearing was provided to the appellant, before passing the order.

4.Per contra, the learned Additional Government Pleader appearing for the official respondents and the learned counsel for the respondents 4 & 5 would submit that revisional authority has entire materials on record and necessary order and has passed a reasoned order strictly in accordance with the provisions of the Hindu Religious and



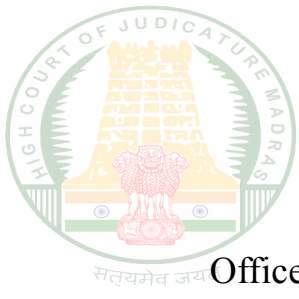
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Charitable Endowments Act. The Writ Court has rightly held that if the parties aggrieved or if they claim any independent civil right, they can very well workout their remedy before the competent Civil Court in the manner known to law and also given liberty to file the review under Section 114-A of the Act. There is no infirmity in the order of the Writ Court and there is no reason warrants to interfere.

5. We have considered the submissions made on either side and perused the records carefully.

6. A perusal of the order impugned in the writ petition R.P.No.1 of 2025/D2 passed by the first respondent dated 29.05.2025 would go to show that the revision petition filed under Section 21 of the Act against the order dated 09.08.2023 on the file of the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thoothukudi in A.P.No.1 of 2022 under Section 55(4) of the Act.

7. It is seen that the first respondent, in his order dated 29.05.2025, held that the father of the appellant was granted permission to do 1 ¼ pooja murai vide order dated 10.01.1975 of the then Executive



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Officer, till his life time, with specific condition that hereditary rights cannot be claimed for the same. However, the appellant was allowed and he has continued to perform 1 ¼ day pooja murai, without any order from the competent authority. As per the amendment made to Section 55 of the Act, the appellant is not entitled to continue to perform pooja murai, merely on the ground that he is next in the line of succession to the last holder of the office, ie., his father. Hence, the continuation of poojamurai by the appellant is itself null and void. Similarly, it was held that one R.Krishna Bhattar was granted permission to perform pooja murai on 06.12.1948. Subsequently, his grandson, Krishnamurthy Bhattar was accorded the permission to perform poojariship, vide order dated 23.02.2012 by then JC/EO. Therefore, the said Krishnamurthu Bhattar is continuing his poojariship again merely on the ground that he is next in the line of succession to the last holder of the office, ie., his grandfather. Hence, the first respondent found infirmity warranting interference in the order dated 09.08.2023 passed by the Joint Commissioner/Executive Officer made in A.P.No.1 of 2022 and order dated 23.02.2012 of the Joint Commissioner/Executive Officer and therefore, the first respondent passed the following order:-

(i) The decision of Joint Commissioner in



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dismissing the A.P. 1 / 2022 vide order dated 09.08.2023 filed by Thiru. Sivasubramania Bhattar, is hereby confirmed.

(ii) The decision of Joint Commissioner in confirming the order dated 23.02.2012 of JC/EO, in allowing Thiru. Krishnamurthy Bhattar to perform 14 day pooja murai, is hereby rejected.

This Revision Petition is ordered accordingly. It is now open to the JC./EO to fill up the vacancies of Archagar, if any, in accordance with law. It is also open to both Thiru. Sivasubramania Bhattar and Thiru. Krishnamurthy Bhattar to apply for the post of Archaga if they are otherwise qualified, but certainly not under hereditary right.

8. At this juncture, it is relevant to refer the Section 55 of the Act, which reads as under:-

55. Appointment of office-holders and servants in religious institutions.- (1) Vacancies, whether permanent or temporary, among the office-holders or servants of a religious institution shall be filled up by the trustee 84[in all cases].

[Explanation.- The expression "office-holders or servants" shall include archakas and pujaries.]

(2) No person shall be entitled to appointment



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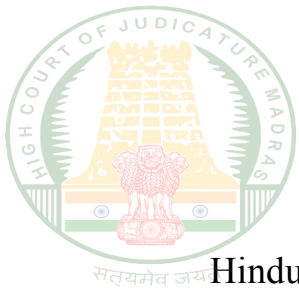


to any vacancy referred to in sub-section (1) merely on the ground that he is next in the line of succession to the last holder of the office.

[(3) xxx]

(4) Any person aggrieved by an order of the trustee under [sub-section (1)] may, within one month from the date of the receipt of the order by him, appeal against the order to 89 [the Joint Commissioner or the Deputy Commissioner, as the case may be.]

9.It is to be noted that the appellant's father, Subramania Bhattar, was permitted to perform the poojamurai only during his lifetime and the said permission itself specifically stipulated that no hereditary right could be claimed. Therefore, the continuation of the appellant in the said position, without any order of appointment from the competent authority, cannot confer any enforceable legal right upon him. Though the appellant sought to place reliance upon the decree passed in O.S.No.297 of 1969 dated 08.12.1971 to contend that his father was recognized to perform the poojamurai by holding that the appellant's father is entitled to 1 ¼ day murai, such decree cannot override the statutory mandate introduced by way of amendment to Section 55 of the



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Hindu Religious and Charitable Endowments Act by Tamil Nadu Act 2 of 1971, which came into force on 09.08.1971. By virtue of the said amendment, hereditary succession to the office of Archaka or Pujari stands abolished and no person can claim appointment merely on the ground that he is next in the line of succession to the last holder of the office. The said statutory position has been upheld by the Hon'ble Supreme Court in *Seshammal v. State of Tamil Nadu [1972 (2) SCC 11]*, wherein it was held that abolition of hereditary succession to temple offices is constitutionally valid and that appointments must be regulated in accordance with the statutory scheme. The reliance placed by the appellant on the decision of the Hon'ble Supreme Court in *Adi Saiva Sivachariyargal Nala Sangam v. State of Tamil Nadu [AIR 2016 SC 209]* is also misplaced, since the said judgment only recognises that appointments must conform to the Agamas applicable to the temple and does not revive or recognise hereditary succession as a matter of right. In the absence of any material placed before this Court to establish that the claim of the appellant is supported by any specific Agamic requirement, the appellant cannot assert a right to continue the poojamurai on the basis of lineage. Hence, the claim put forth by the appellant is un-sustainable in law.



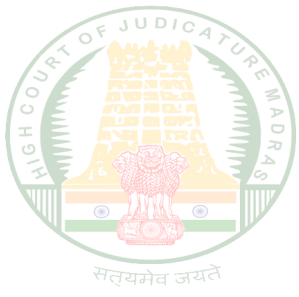
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10.As per the amendment to the Act, cited supra, the appellant is not entitled to continue to perform poojamurai merely on the ground that he is next in the line of succession to the last holder of the office, ie., his father and therefore, we are of the view that there is no infirmity in the order passed by the Writ Court and there is no reason warrants interference. There is no merits in this writ appeal and the same is liable to be dismissed.

11.In the result, this writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
16.03.2026

Index :Yes/No
Internet :Yes
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N.SATHISH KUMAR, J.
AND
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