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W.P.Nos.34810 of 2023 & 11240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.P.Nos.34810 of 2023 & 11240 of 2024
and W.M.P.Nos.34818 of 2023 & 12334 & 12335 of 2024

[W.P.No.34810 of 2023]

A.Radhakrishnan

.. Petitioner

Vs.

1. The Secretary to the Government
Tourism, Culture and Endowments Department
Secretary, Chennai – 600 009.
2. The Secretary to the Government
Revenue Department, Secretariat
Chennai – 600 009.
3. The Commissioner
Hindu Religious & Charitable Endowments Department
119, Nungambakkam High Road
Chennai – 600 034.
4. The Commissioner of Land Administration
Chepauk, Chennai – 600 005.
5. The District Collector
Thiruvannamalai.
6. The Deputy Director of Town and Country Planning
Chepauk, Chennai – 600 005.
7. The Municipal Commissioner
Tiruvannamalai Municipality
Tiruvannamalai.



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8. The Chairman Board of Trustee
Arulmigu Arunachaleswarar Thirukoil
Pavazhakundur, Tiruvannamalai – 606 601.

9. The Joint Commissioner cum Executive Officer
Arulmigu Arunachaleswarar Thirukoil
Pavazhakundur
Tiruvannamalai – 606 601. .. Respondents

[W.P.No.11240 of 2024]

T.R. Ramesh .. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary
Tourism, Culture and Religious Endowments Department
Secretariat, Chennai – 600 009.

2. The Commissioner
Hindu Religious and Charitable Endowments Department
Chennai – 34. .. Respondents

Prayer in W.P.No.34810 of 2023: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, calling for the records pertaining to the order passed by the 1st respondent in G.O.Ms.No.336 dated 14.09.2023 and quash the same; and

Prayer in W.P.No.11240 of 2023: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, to call for the records relating to G.O.Ms.No.336, Tourism, Culture and Religious Endowments (R.E.4-1) Department dated 14.09.2023, issued by the 1st respondent herein, quash the same and consequently direct the respondents to restore the properties and funds misappropriated from Hindu Temples by the 1st and 2nd respondents herein for any of the purposes set out in the said order.

For the Petitioner
in W.P.No.34810 of 2023 : Mr.R.Maruthachalamurthy

For the Respondents
in W.P.No.34810 of 2023 : Mr.NRR.Arun Natarajan
Spl. Government Pleader
for R1 to R3



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Mr.A.Selvendran
Spl. Government Pleader
for R4 to R7

Petitioner-in-Person
in W.P.No.11240 of 2024

: Mr.T.R.Ramesh

For the Respondents
in W.P.No.11240 of 2024

: Mr.NRR.Arun Natarajan
Spl. Government Pleader

COMMON ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)
In our last order dated 25.09.2025, *inter alia*, we have stated

the following:-

"10. The on-going construction, as we have stated herein above, inside the Temple premises is admitted by the HR & CE Department / Temple Authorities, however, on seeing a part of the construction, which has been shown before us by way of photographs filed by the petitioner's side, it discloses that, at least in some places or in a particular side, the on-going construction is just adjacent to the main wall of the Temple which is a heritage wall. The gap between the on-going construction and the main heritage wall is very minimal, like a lane. Therefore, if the on-going construction is permitted to be completed, it would be a big question as to whether the proposed construction would facilitate the devotees or would give an adverse impact by creating hindrance to the aesthetic beauty of the Temple itself, as the compound wall of the heritage Temple also since forms part of the Heritage Temple, no part of the Heritage Temple shall be exploited the way in which the HR & CE Department proposes to make the construction, that too, inside the Temple, particularly, in the fourth pragaram at the Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai.



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11. *In view of the aforesaid, we direct the HR & CE Department / Temple Authorities of the Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai, to file a justification report with regard to the said construction, being taken up within the Temple premises, with supporting documents, which shall be filed during the next date of hearing.*

12. *Till such time, no further construction shall be made either inside the Temple premises or outside the Temple premises of the Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai.*

13. *Since claims and counter claims, in this regard, have been made on many occasions during the hearing of these cases about the proposed construction or the on-going construction, in order to get the exact position which is existing in the Temple premises, we deem it appropriate that this Court should inspect the Temple premises of the Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai and for the said purpose, we fix the date tentatively as 05.10.2025, which would be confirmed and communicated by the Registry of this Court to the parties of this lis later."*

As we proposed, on 05.10.2025, we visited the *Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai* and had a detailed inspection.

2. The on-going constructions inside the Temple as well as outside the Temple and also the proposed constructions and sites earmarked for such constructions have been shown to us. On seeing such constructions as well as the constructions which have already



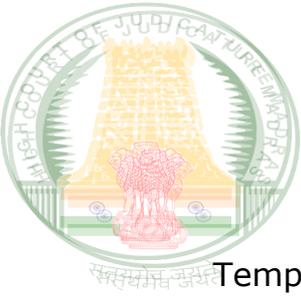
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been completed and constructions which was underway, in respect of some of the constructions, we were shocked to note that some huge constructions are being made inside the Temple, especially in the fourth Pragaram.

3. In respect of such constructions, though it was stated and defended on behalf of the Temple Authorities that it is for the proposed queue complex for the devotees to stay for a while when they are moving in the long queue, still, we were not satisfied, as the proposed queue complex construction within the Temple premises at fourth Pragaram has been planned and being made with the width of 44 feet and length of 480 feet.

4. When we specifically posed questions as to why such huge area is to be constructed even for the purpose of a queue complex for the devotees, the Temple Authorities wanted to file a detailed justification report.

5. In order to get further input by way of justification report/technical report, as well as the budgetary allocation and also the approvals given by various Authorities for making such constructions or proposed constructions both inside and outside the



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Temple, we thought it fit to list this matter today in the weekly sitting of this Special Bench and accordingly, these matters are taken up for further hearing today.

6.1 On behalf of the ninth respondent, namely the Joint Commissioner-cum-Executive Officer of the *Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai*, an affidavit, with details of constructions being made or proposed to be made, has been filed.

6.2. In the said report, in paragraph 6, it is stated that the Temple Authorities are in the process of preparing the justification report for construction of the waiting hall at the fourth Pragaram and also stated that the Temple Authorities are also filing a technical report for the proposed pilgrim queue complex to be constructed in the vacant land before the Rajagopuram.

6.3. In the report, in paragraph 7, the following has been stated:-

"7. It is respectfully submitted that as per the order dated 25.09.2025, the Temple authorities have stopped all the civil works undertaken inside the Temple, outside the Temple and on the Girivala Padhai. Further urgent renovation works



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undertaken in view of the impending the Karthigai Deepam were also be stopped by the Temple authorities pursuant to the order dated 25.09.2025. This Hon'ble Court by its order dated 11.09.2025 and 25.09.2025 and during the inspection on 05.10.2025b had expressed reservations on the construction of the proposed queue complex in the vacant land before the Rajagopuram, the waiting hall under construction in the 4th Pragaram, and the Prasadha stall at the 5th Pragaram for which the Temple authorities have been directed to produce certain documents. Barring the above three works, the Temple authorities crave leave of this Hon'ble Court to permit the Temple authorities to forthwith undertake the following civil works mentioned in the schedule below."

By stating the aforesaid, a list of construction activities, on-going and proposed, have been provided in the affidavit under three categories. One is the works being undertaken within the Temple; another is outside the Temple and the third one is the outer work on the Girivalam Pathai.

(i) On the on-going and proposed works to be undertaken at the Temple premises in Si.No.1, the main Temple Annadhanakudam is mentioned, which requires further evaluation and therefore, further construction in respect of the said work shall not be undertaken.

(ii) In Si.No.2, it is stated that 90-95% of the work for



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providing facade lightings for the Gopurams and Rajagopuram at all the four directions have been mentioned, which, in our opinion, can be permitted to go on.

(iii) In Si.No.3, construction of waiting shed and Prasatha stall has been proposed, which also, in our considered view, cannot be permitted to go on as of now, unless it is examined fully.

(iv) In Si.No.4, the proposal is to facelift the Thirukalyana Mandapam at Kalyana Sundareswarar Sannathi. Again, this also, in our considered view, cannot be permitted to go on as of now unless it is further evaluated.

(v) In Si.No.5, facelifting of the Auditorium called the 'Kalaiarangam' is on-going, which, in our view, can be permitted to go on.

6.4. Further, at page No.14 of the affidavit, three other works have been mentioned.

(i) In Si.No.1, temporary resting queue line shed in between Pei Gopuram and Ammanaiamman Gopuram has been mentioned and in Si.No.2, the proposal for providing four seater SS chairs,



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etc., in the said queue line shed in between Pei Gopuram and Ammanaiamman Gopuram are mentioned.

(ii) With regard to these two proposals, insofar as the queue complex being constructed on the northern side, that is outside the Temple, that is beyond the fifth wall on the northern side called the Vada Othavadai Street, the on-going work between the north-western corner and the Ammanaiamman Temple Tower can be permitted to be completed, but, no such constructions, as proposed on the outside of the western wall, that is from Pei Gopuram to the north-western corner, shall be permitted.

(iii) Like that, in Si.No.3 at Pg.No.14 of the affidavit, a proposal is given for the completion of the on-going Elephant Memorial Mandapam, which also, in our view, can be waited for further examination, as the same has been built on the mainroad, that is Vada Othavadai Street itself, for which, whether any necessary permissions from the Authorities concerned were secured or not also has to be examined in detail. Therefore, for the present, further construction of the Elephant Memorial Mandapam also cannot be permitted.



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6.5. Insofar as the outer works, that is works to be undertaken or being undertaken as proposed by the Temple Authorities outside the *Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai*, in Si.Nos.1, 2, 3, 4, 5, 6, 7, 8 and 9 in Pg.Nos.15, 16 and 17 of the affidavit, can be permitted to go-on. However, insofar these works are concerned, that is Si.Nos.1 to 9 in Pg.Nos.15, 16 and 17 of the affidavit, the documents pertaining to the approval given by various Authorities, detailed sketch approved by the Authorities, as well as the budgetary allocations made in this regard, be filed before this Court.

6.6. Under the Heading "*Karthigai Deepam Special Proposed Inside Work at Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai*", six works are mentioned, out of which, the works in Si.Nos.1 and 3, that is repairs of Amman Thiruther and Ukkrana Mandapam, can be permitted to go on. The remaining four works at Si.Nos.2, 4, 5 and 6, that is, renovation of Sadasivam Cottage; renovation of cement concrete road from the fifth Pragaram cottage to Pei Gopuram; renovation of cottage Nos.1 and 2 and the renovation of cottage Nos.4 and 5, shall not be proceeded further.

7.1. It is brought to our notice by *Mr.T.R.Ramesh*, the



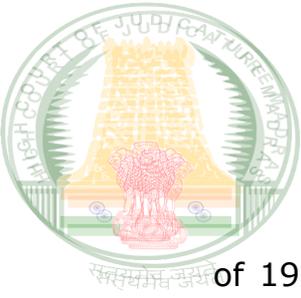
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party-in-person in W.P.No.11240 of 2024, that, though the Tamil Nadu Heritage Commission Act, 2012¹ has been brought into force with effect from 1st March, 2024, the provisions of the Act has not been given effect to in letter and spirit.

7.2. For instance, under Section 3 of the Heritage Commission Act, (i) the Government shall, by notification, constitute a Body, to be known as the "Tamil Nadu Heritage Commission" (ii) the Commission shall be a Body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall, by the said name, sue or be sued. But, so far, no Heritage Commission, under Section 3 of the Heritage Commission Act, has been constituted and under Section 11 of the Heritage Commission Act, the powers and functioning of the Commission has been enumerated.

7.3. It is further to be noted that, the object of the Act is to protect the buildings or premises not covered under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) and the Tamil Nadu Ancient Monuments and Archaeological Sites and Remains Act, 1966 (Tamil Nadu Act 25

¹ *In short, hereinafter referred as "the Heritage Commission Act".*



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of 1966) and further, that it is necessary to constitute a Statutory Authority to advise in the matters relating to identification, restoration and preservation of heritage buildings and in the matters relating to development and engineering operations which are likely to affect any heritage buildings.

7.4. If that being the very object of the Heritage Commission Act and the said Act also has been given effect to from 1st March, 2024, why the State Government has not constituted the Commission within the meaning of Section 3 of the Heritage Commission Act with the composition under Section 4 of the said Act?

7.5. Though one and a half years have gone after the Act came into force, since no action has been initiated on the part of the State Government in constituting the Commission, whereby, very many huge buildings which are referable to this Commission for getting advice for the development, restoration, preservation, etc. of such huge buildings, which includes Temples and Temple related structures, it became imminent that the State Government must come forward immediately to constitute such Commission at the earliest.



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8. In that view of the matter, there shall be a direction to the State of Tamil Nadu, that is the Secretary to the Government, Tourism, Culture and Endowments Department, that is the first respondent herein, to take all endeavour to constitute a Commission called the "*Tamil Nadu Heritage Commission*" within the meaning of Section 3 of the Heritage Commission Act, consisting Members as per the composition in Section 4 of the said Act at the earliest, preferably within a period of four weeks from the date of receipt of a copy of this order and the compliance to that effect also shall be filed before this Court on completion or immediately after completion of the compliance of the directions.

9. Except the works which are specifically permitted under this order, no other construction works or developmental activities, by way of civil constructions etc., shall be undertaken by the Temple Authorities or the HR & CE Department, either within or outside the *Arulmigu Arunachaleswarar Thirukoil, Tiruvannamalai*, until further orders.



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10. Post these matters, for filing justification report/technical report and any other additional documents or literatures on the part of the Temple Authorities or the HR & CE Department to proceed further in this matter, on 23.10.2025.

(R.S.K., J.) (S.S., J.)
09.10.2025

Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
Index: Yes/No

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Tourism, Culture and Endowments Department
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Revenue Department, Secretariat
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R. SURESH KUMAR, J.
AND
S. SOUNTHAR, J.

(*drm*)

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