



W.A.No.1031 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.06.2026

DELIVERED ON : 17.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1031 of 2026
AND
C.M.P.No.10524 of 2026

Krishna Devaraya
S/O.Achyuta Devaraya
House No.15/72 Anegundi House,
31st Ward, N.C.Colony, Sandur
Road, Hospet-583203 Karnataka

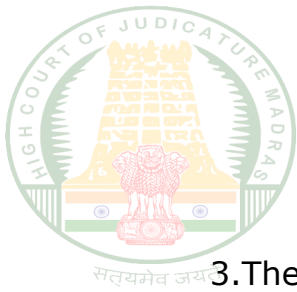
Appellant(s)

Vs

1.The Commissioner,
Hindu Religious And Charitable
Endowments Board,
112, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 024

2.The Joint Commissioner,
Hindu Religious And Charitable
Endowments Board,
11/20, A.K.Thangavelar Street,
Kancheepuram-631501

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3.The Executive Officer And Trustee,
Sri Devaraja Swamy Temple,
Kancheepuram-631501

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.44347 of 2025 dated 23.02.2026.

For Appellant(s) : Mr. K.S.Srinivasan
for M/s. Susanna Prabhu
For Respondent(s) : Mr. P.V.Balasubramaniam
Additional Advocate General
Assisted by Mr. Veerabathran Prasanth.M.
Government Advocate (HR & CE)

JUDGMENT

G.ARUL MURUGAN, J.

The appellant/devotee of Sri Devarajaswamy Temple, Kanchipuram, has preferred this intra-Court appeal assailing the order dated 23.02.2026 passed in W.P.No.44347 of 2025, whereby the writ Court disposed of the writ petition with a set of directions in respect of constituting a Sub-Committee and carrying out certain works to be carried out in the temple.



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2. Learned counsel for the appellant contended that Sri Devarajaswamy Temple, being a heritage temple having historical importance, no alterations or renovations can be carried out in the temple, without obtaining the Heritage Commission's approval as mandated under Section 11 of the Tamil Nadu Heritage Commission Act, 2012. He further submitted that any work carried out in the heritage temple without obtaining mandatory approvals would be in violation to the provisions of the Act, which is impermissible.

3. Learned counsel further submitted that earlier, a third party had approached this Court, in which, directions were issued and the petitioner not being a party, it would not bind him as that order was obtained by misrepresentation. He further contended that any modification or renovation in the temple, would result in Agamic violation and sought interference of this Court.

4. Per contra, Mr.P.V.Balasubramaniam, learned Additional Advocate General appearing for the respondents, submitted that, as on date, there is no Heritage Commission in place and as per the decision of the Division Bench of this Court in W.P.No.574 of 2015, permissions

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have been obtained from State Level Expert Committee (SLEC) and no civil work is carried out, but only some steps are taken for facilitating the movement of general public and to take care of devotees including the aged people.

5. Learned Additional Advocate General further submitted that already the works have been permitted to be undertaken by the orders passed in W.P.No.22177 of 2025 and the petitioner is only attempting to re-open and re-agitate the orders passed, when the same has not been put to challenge. As per the impugned orders passed in the writ petition, a Sub-Committee had been constituted and, in fact, the petitioner and several other interested persons have participated in the enquiry before the Sub-Committee and the enquiry is on going and the Sub-Committee is yet to pass orders and further, when the writ Court had passed a consent order, the appeal preferred by the petitioner itself is misplaced and not maintainable.

6. Heard the rival submissions and considered the materials available on record.



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7. Sri Devarajaswamy Temple at Kanchipuram is centuries-old heritage temple and one of the 108 Divya Desams with archaeological importance. Several thousands of devotees visit the temple every day. There are certain steps taken to address the minimum needs and requirements for facilitating the movement of public and the need of devotees, including the elderly persons to have darshan of the deity. The steps taken by the temple authorities are opposed by the petitioner as, according to him, the same would result in Agamic violation and no work can be carried out without approval of the Heritage Commission, as mandated under the Tamil Nadu Heritage Commission Act, 2012.

8. It is to be noted that earlier, a similar writ petition was filed in W.P.No.22177 of 2025, wherein the relief sought was to forbear the authorities from carrying out any construction/renovation activities that will affect the heritage value and aesthetics of the temple, as they are contrary to the Agamas. By order dated 01.07.2025, the learned Judge observing that no murals, sannidhi or deities will be disturbed in the process and that the sanctity of the temple will be preserved, as the works are being carried out to ensure that all the devotees have a

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smooth darshan in the temple which would not result in violation of Agamic tradition, permitted the works to be carried out by recording the undertaking given by the authorities of the temple that no damage would be caused.

9. The relevant portion of the order dated 01.07.2025 in W.P.No.22177 of 2025, is extracted hereunder:

"5. The grievance expressed by the petitioner as against the proposed work that is going to be carried out is not against any agamic traditions and this is done only with a view to help the devotees to have a proper darshan. The work that is going to be carried out does not in any way affect the heritage and the spiritual elements of the temple. Ultimately, the authorities have taken into consideration the elderly persons, who visit the temple and also those who are differently abled. They have also taken into consideration the emergency situation that may arise during peak season where large crowd throngs the temple.

6. The counter affidavit filed by the third respondent is taken into consideration and this Court is satisfied with the steps that are being taken and this Court does not find any



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ground to interfere with the work that are carried out by the respondents. While doing so, this Court also records the undertaking given by the third respondent temple to the effect that no damage will be caused to heritage structure and sanadhi, dieties and murals will not be disturbed in the said process.

This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.”

10. No appeal has been filed challenging the said order, particularly, when this Court has already gone into the issues and permitted the temple authorities to carry out the works on the condition that they strictly comply with their undertaking to cause no damage. When the order passed stares at the appellant, he cannot be allowed to assail the validity of the earlier order passed in the present appeal.

11. The appellant, in fact, had sought a direction to the temple authorities to produce all the approvals obtained as stated by them in

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W.P.No.22177 of 2025 and the approvals obtained, as mandated by the orders passed by this Court in W.P.No.574 of 2015. As on date, the Heritage Commission has not been constituted. The issue of carrying out any renovation or alteration works in heritage temples was considered by a Division Bench of this Court in W.P.No.574 of 2015, wherein directions were issued making it mandatory that any renovation/alteration in the temples which are more than 100 years old can be undertaken, only pursuant to the approval of the SLEC to be constituted. The respondents have placed the issue before the SLEC constituted, which had permitted carrying out of the said works in the temple.

12. The appellant contended that the Head of the Archaeological Department had not participated in the enquiry and, therefore, any permission accorded for a temple of such significant historical importance cannot be accepted and, hence, the works should not be allowed to proceed without permission from the Heritage Commission. The entire issue was considered by the writ Court and upon finding that permission had already been granted in the earlier writ petition for renovation/alteration and since it was submitted that undertaking given earlier was violated, based on the consent given on either side,

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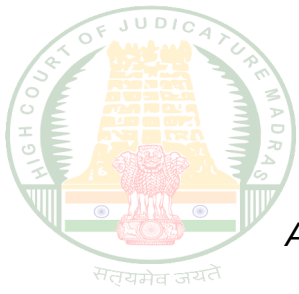
issued the following directions in W.P.No.44347 of 2025:

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"14. In view of the above, with reference to the argument relating to the Heritage Commission, I am not considering the same on merits. The petitioners and the respondents rely on paragraph Nos. 10.4 and 10.5 of the Order of the Hon'ble Division Bench. The fact is that the Heritage Commission is not yet constituted. Further, the issue of renovation/conservation works has been considered in detail by this Court in W.P.No.22177 of 2025, and it was ordered the works can be carried on. Since it is submitted that the works are being carried on in a manner that violates the undertakings recorded in the said order, this Writ Petition is disposed of on the following terms:

(i) The SLEC shall fix a date for inspection of the temple in question; the date of inspection shall be intimated to the petitioner and also displayed in a prominent manner in the notice board and outside the temple;

(ii) The SLEC shall appoint a Sub-Committee of its members to physically inspect the Temple and the works carried out. The Sub-Committee should certainly consist of the serving officer from the institution of the State



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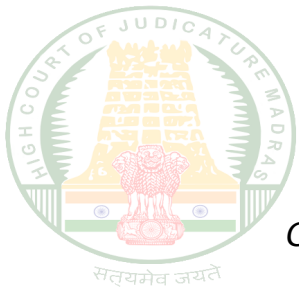
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Archaeological Department, who is an archaeological expert, and a Pancharatra Agama expert, as members. The other members of the Sub-Committee can be as decided by the SLEC;

(iii) On the date of inspection, it will be open for the petitioner and such other devotees, who are interested in the agamic traditions and heritage of the temple to point out to the Sub-Committee of any violations and concerns on the spot and also submit their objections in writing in respect of every aspect which they feel that are in violation of agamas or an affront to the heritage of the temple. The entire exercise shall be done in an atmosphere of trust and cordial manner with devotion and conservation being the only aim and everyone concerned shall co-operate for the inspection and hearing process of the sub-committee;

(iv) The Sub-Committee shall consider each and every objections objectively and dispassionately in an open manner and submit its recommendations to the SLEC recommending the works that can continue, and those cannot; and ones that require modification;

(v) SLEC shall consider the report of the Sub-



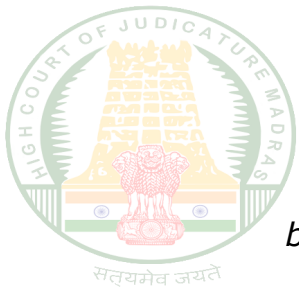
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Committee and pass a supplementary clearance order in detail with speaking order as to the necessity of each of the works permitted and manner in which the work has to be carried on, by giving express reasons as to the compliance of agamas and traditions and thereafter the works can continue as per the order of the SLEC;

(vi) The undertaking given by the learned Advocate General that any devotee who wants to visit the temple in the traditional way by climbing the 1 ½ feet high steps will be permitted and that the original pathway will not be interfered is recorded. Even with reference to the garbhagriha, the arrangements will be modified in respect of the six steps so as to satisfy the devotees who will climb only the traditional six steps and also to overcome the present day human weakness of not able to carry the deity, by making such modified wooden ramps is also recorded.

(vii) The SLEC shall take a decision expeditiously and all the permitted and non offending works be completed swiftly and the temple be worshipped in its traditional glory and let the kudamuzhukku be carried on without violating the heritage and in compliance with the other directions issued



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by this Court in W.P.No.22177 of 2025.

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(viii) *As far as the original prayer, it is submitted that all the approvals form part of the record and a set of the same is being furnished to the learned counsel for the petitioner."*

13. The learned Single Judge has recorded that it was suggested that the SLEC can constitute a Sub-Committee which would include an institutional archaeological head and an Agamic expert, especially a person who is an expert in Pancharatra Agama, as compulsory members, who can consider the concerns that are raised in the writ petition. Both the appellant as well as the respondents have consented to the adoption of this procedure by forming a Sub-Committee. For ready reference, the relevant portion is reproduced hereunder:

"12. After hearing both sides, this Court opined that, with reference to the complaints made, only the agamic and archaeological experts can decide whether there has been a violation of agamas or interference with the heritage. It was further suggested that the SLEC can constitute a sub-committee that should definitely include the institutional archaeological



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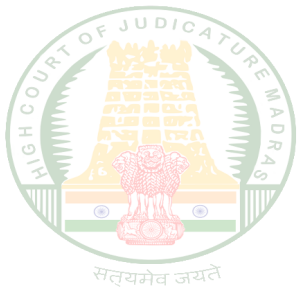
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head and an agamic expert, especially a person who is an expert in 'Pancharatra Agama', as compulsory members, along with such other members as the SLEC thinks fit and they can consider the concerns that are raised in the present writ petition. The learned Advocate General submitted that the respondents are not averse to the same.

13. The learned counsel for the petitioner would submit that so long as the SLEC is open to considering all the submissions made by the petitioner as well as by any other devotee interested in pointing out the agamic violations, and the particular agama expert is a member of the sub-committee, that procedure can be undertaken."

14. When confronted with a query qua the maintainability of the appeal after having given consent before the writ Court, based on which orders were passed, the learned counsel fairly submitted that, in fact, they have consented, but further sought to clarify that the consent was only for certain limited purposes and did not cover the whole issue. He further submitted that when works can be carried out only after approval from the Heritage Commission, the order passed even based on consent is not sustainable.

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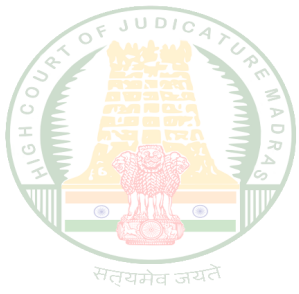


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15. We are unable to accept the said contention advanced by the learned counsel and the same is liable to be outrightly rejected for the simple reason that the appellant cannot maintain an appeal as against the consent order passed by the writ Court. When it is admitted that such a consent was given, any clarification or explanation ought to be sought by the learned counsel only before the writ Court which passed the order by filing an appropriate application.

16. Moreover, it is to be noted that in implementation of the directions issued by the writ Court, a Sub-Committee has admittedly been constituted by the SLEC. The Committee consists of the serving officer from the State Archaeological Department and a Pancharatra Agama expert and the Committee had carried out inspections and is in the process of conducting an inquiry. It is also not disputed that the appellant participated in the inquiry and submitted the relevant records and several other interested parties of the temple have also participated in the inquiry.



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17. Clause (v) of the directions specifically states that SLEC shall pass a supplementary clearance order in detail as to the necessity of each of the works permitted and the manner in which such work has to be carried out in compliance with Agama principles and traditions and thereafter, works can continue as per the order of the SLEC. In fact, the works had already been permitted, pursuant to the earlier order passed in W.P.No.22177 of 2025. However, since it was alleged that the undertaking is violated, based on the consent given by the parties, the writ Court had issued a set of directions by directing the SLEC to constitute a Sub-Committee comprising an officer from State Archaeological Department and a Pancharatra Agama expert, to carry out inspection, conduct enquiry and pass a detailed order with reasons about the manner in which they are undertaken in compliance with Agamic principles and traditions.

18. When great care has been taken to preserve the sanctity, Agamic principles and traditional values of the temple and balancing minimum requirements of the devotees to have a smooth darshan of the deity by making limited modifications/alterations without any civil work being carried out and particularly, when consent order was



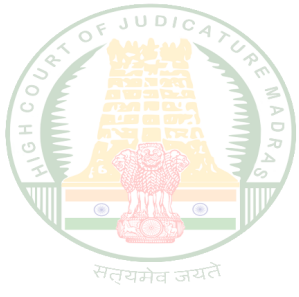
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passed, based on which, enquiry before the Committee is going on and orders are yet to be passed, the present appeal itself is wholly misplaced.

19. In view of the above, we find no error or infirmity in the order of the writ Court warranting interference. Accordingly, the writ appeal stands dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
17.06.2026

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Neutral Citation : Yes
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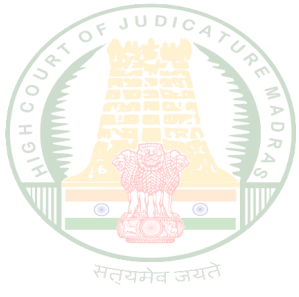
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To

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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