



W.P(MD)No.29524 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29524 of 2025

and

W.M.P.(MD)Nos.22835 and 22837 of 2025

Rengesan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
- 2.The State Level Expert Committee,
Hindu Religious and Charitable
Endowments Department,
Chennai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruppur, Tiruppur District.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Swaminathapuram,
Karur District.



W.P(MD)No.29524 of 2025

5.The Inspector,
Arulmigu Kanagathoniamman Temple,
Thimmachipuram, K.Pettai Village,
Kulithalai Taluk, Karur District.

6.The Archeologist,
Hindu Religious and Charitable
Endowments Department,
Tiruppur, Tiruppur District.

7.T.V.Thangavel

8.C.Rajendran

9.T.K.Raja

10.Ponselvan

11.S.Saravanan

12.V.Pandian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Resolution No.116, dated 06.08.2025, passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents 1 to 6 not to remove the existing idol in the temple namely, Arulmigu Kanagathoniamman Temple, situated at Thimmachipuram, K.Pettai Village, Kulithalai Taluk, Karur District, by fixing old statue for “Kumbabishekam” dated 26.10.2025 and 27.10.2025 by considering the petitioner's dated 07.10.2025.



W.P(MD)No.29524 of 2025

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.P.Subbaraj,
Spl. Government Pleader for R1 to R6.
Mr.VR.Shanmuganathan
for R7 to R9, R11 & R12

ORDER

Heard both sides.

2.Thiru.Rengesan is a resident of Thimmachipuram, K.Pettai Village, Kulithalai Taluk, Karur District. He is the petitioner herein. He challenges the decision taken by the State Level Expert Committee, Hindu Religious and Charitable Endowment Department, Chennai permitting replacement of the current statue of Arulmigu Kanagathoniamman Temple, Thimmachipuram. The idol that was originally installed was replaced a few decades ago. Kumbhabisekam for the said temple is to be held on 27.10.2025. The trust board passed a resolution for replacing the existing idol with the earlier one. The question that calls for consideration in this writ petition is whether the order passed by the State Level Expert Committee approving the resolution of the trust board is liable to be interfered with.

3/16



W.P(MD)No.29524 of 2025

3.The Hon'ble Division Bench to which the Hon'ble Mr.Justice R.Mahadevan (as His Lordship then was) was a party had passed a series of directions with regard to the temples in Tamil Nadu. Vide order dated 07.06.2021 in Suo Motu W.P.No.574 of 2015, it was directed as follows:-

“(6) The State shall reconstitute the State Level Expert Committee, consisting of a Structural Expert, Archaeological Expert, Conservation Expert, a qualified Traditional Stapathi preferably from the Government College of Architecture and Sculpture, Mamallapuram, an Expert from history, epigraphy, iconography and Fine arts and Two Agama Experts, besides a representative from HR&CE and PWD Departments. The State Level Expert Committee shall be responsible for carrying out and according sanctions for the repairs/renovations of the temples and archaeological sites, on the recommendation of the District Level Committees.”

4.The first contention advanced by the learned counsel for the writ petitioner is that the impugned decision is not in consonance with the aforesaid direction of the Hon'ble Division Bench. According to him, there was no recommendation of the District Level committee and that the State Level Expert Committee (herein after referred to as SLEC) acted on its own.



W.P(MD)No.29524 of 2025

WEB COPY

5.The above contention may not factually be correct. A mere look at the materials on record would show that the Regional Level Expert Committee met on 30.07.2025 and recommended re-installation of the original idol. This was forwarded to SLEC which in its meeting held on 06.08.2025 granted permission for fixing the old statue by replacing the current statue. The recommendation of the Regional Level Committee not only favours the decision of the trust board, but is also prior in point of time. It would have been better if in the impugned decision of the SLEC, it has been specifically mentioned that the sanction accorded by it is on the recommendation of the Regional Level Expert Committee. But mere omission to make such an explicit reference will not vitiate the impugned decision. From the sequence of events, one can conclude that SLEC acted on the basis of the decision of the Regional Level Expert Committee.

6.There is, however, considerable force in the contention of the petitioner's counsel that the impugned decision is based on irrelevant material. The resolution of SLEC reads that the installation of the earlier



W.P(MD)No.29524 of 2025

idol stood permitted as per archeological report. An archeological report can testify the antiquity of the idol. Whether an idol should be installed in the sanctum sanctorum is a matter that has to be decided only by the agamic experts or persons well-versed in theology. The Hon'ble Supreme Court in the decision reported in **(2006) 8 SCC 200 (Jayrajbhai Jayantibhai Patel v. Anilbhai Nathubhai Patel)** held that an administrative decision or action which is based on wholly irrelevant considerations or material; or excludes from consideration the relevant material may be struck down. Thus, any administrative decision should be taken in the light of relevant materials. It cannot rest entirely on irrelevant material. In other words, an irrelevant material cannot form the sole foundation for an administrative decision.

7.In normal circumstances, I would have definitely interfered with such an order and remanded the matter for fresh consideration. However, I refrain from doing so for the reasons set out below.

8.The temple is managed by a trust board. The board had passed a resolution for replacing the current idol. In fact, this decision was not



W.P(MD)No.29524 of 2025

taken arbitrarily. Meetings of the villagers were convened in the temple premises on 26.05.2024, 06.10.2024, 08.12.2024, 15.05.2025, 31.08.2025, 08.10.2025 and 09.10.2025. The issue regarding replacement of the idol was specifically discussed. The chairman of the trust board informed the Court that only to respect the decision taken by the devotees, such a resolution was passed. The writ petitioner is also hailing from the very same village. He sent representations only on 19.05.2025 and 25.06.2025. Even though more than a thousand persons are associated with the temple, the representations have been signed only by a handful. I have serious reservations as to whether at the instance of a solitary individual, I should interfere particularly when his fundamental or statutory rights are not at stake. The petitioner has a fundamental right under Article 25 of the Constitution of India to offer worship. But he is not entitled to insist that an idol of a particular make alone should be installed in the sanctum sanctorum. The jurisdictional Inspector of HR & CE submitted before me in person that opposition to the decision of SLEC is only from a miniscule section of devotees. There is also nothing on record to show that the decision assailed in this writ petition would adversely affect public interest.



W.P(MD)No.29524 of 2025

WEB COPY

9.I have another remark to make on the resolution passed by Regional Level Committee as well as the State Level Committee. In the Regional Level Committee meeting held on 30.07.2025, the vaishnavite agama expert alone was present. The shaivite agama expert was absent. In the State Level Expert Committee meeting, only one agama expert (saivam) was present. The temple in question is a shaivite temple. The State Level Committee comprises 13 members. Out of them, four are agama experts (two shaivites and two vaishnavites). I am informed that the Hon'ble Division Bench had clarified that it is not necessary that all the four agama experts should be present in the meetings and that depending on the character of the temple, it is enough if one concerned agama expert is present. But I would add a rider here. Digital technology is here to stay. Meetings are held even virtually. Even counsels appear before the Courts through virtual mode. Therefore, the SLEC as well as RLEC must endeavour to reach out to the concerned members, particularly agamic experts, if they cannot physically be present. The efforts taken in this regard must be duly minuted. Otherwise, the decision may be vulnerable.



W.P(MD)No.29524 of 2025

WEB COPY

10.Rule 52 of the Management and Preservation of Properties of Religious Institutions Rules, 1964 mandates that no trustee or the board of trustee shall replace any metallic or other idol or image in the temple, whether fixed or otherwise, without the express permission of the government in writing. It is fairly admitted by the respondents that such permission was not taken from the government in this case. It is true that the Hon'ble Division Bench had issued a set of directions regarding the management and preservation of temples. But they only supplement the statutory regime and not supplant the same. Permission from SLEC alone will not be sufficient when the statutory rules mandate obtaining the express permission of the government in writing.

11.When I indicated that the impugned order cannot be enforced till such permission is obtained, the learned counsel for the trustees pointed out that when the original idol was replaced, such permission was not taken. In other words, replacement of the original idol was an act of illegality. His contention is that the impugned decision will undo a wrong that was originally committed. I am in full accord with the said



W.P(MD)No.29524 of 2025

submission. When judicial interference will lead to perpetuation of an illegality, the Court will adopt a hands-off approach. Since the original idol was replaced in breach of Rule 52, its re-installation pursuant to the impugned decision would be very much in order.

12.The learned counsel for the writ petitioner then raised a technical plea. He pointed out that admittedly, the temple in question came under the administrative control of the HR & CE Department only in the year 2007. The replacement of the earlier idol was done much earlier. He, therefore, questioned the invocation of Rule 52 to hold the replacement of the earlier idol as illegal. This contention is without merit. Section 1(3) of the Tamil Nadu HR & CE Act, 1959 makes it clear that the Act applies to all Hindu public religious institutions and endowments including the Incorporated Devaswoms and Unincorporated Devaswoms. The Hon'ble Supreme Court in the decisions reported in ***(1992) 3 SCC 14 (Jammi Raja Rao Vs. Sri Anjaneya Swami Temple)*** and ***(1981) 1 SCC 445 (T.V.Mahalinga Iyer Vs. State of Madras)*** had held that as far as Tamil Nadu is concerned there is initial presumption that a temple is a public one. It is admitted that the subject temple is a



W.P.(MD)No.29524 of 2025

public temple. Section 4 of the Act enable the government to exempt any religious institution or endowment from the operation of any of the provisions of the Act. If a religious institution is a public one and there is no exemption notification under Section 4, the resultant position is that the Act and the Rules framed thereunder apply to an institution even though the department might not have formally intervened in its affairs. The department might have entered the scene for the first time only in the year 2007 by appointing a fit person for the temple. That does not mean that the temple was exempt from the operation of the Act earlier. I, therefore, hold that Rule 52 governed the field when the original idol was replaced. A learned Judge of this Court vide order dated 31.10.2022 in W.P.(MD)No.591 of 2022 (Arumuga Nainar Saiva Marabin Vs. The Commissioner) had held as follows:-

“9.11.Absent Civil Court decree and absent exemption from the Government under Section 4 of TN HR & CE Act, every religious institution ie., a temple becomes a public temple. If it is a public temple the TN HR & CE Act operates and the TN HR & CE Dept., shall be in administration of said temple.”



W.P(MD)No.29524 of 2025

13.The Hon'ble Supreme Court in ***Shri Malaprabha Coop. Sugar Factory Ltd. Vs. Union of India (1994) 1 SCC 648*** quoted the following passage occurring in judicial remedies in public law by Clive Lewis:

“The courts now recognise that the impact on the administration is relevant in the exercise of their remedial jurisdiction. Quashing decisions may impose heavy administrative burdens on the administration, divert resources towards reopening decisions, and lead to increased and unbudgeted expenditure. Earlier cases took the robust line that the law had to be observed, and the decision invalidated whatever the administrative inconvenience caused. The courts nowadays recognise that such an approach is not always appropriate and may not be in the wider public interest. The effect on the administrative process is relevant to the courts' remedial discretion and may prove decisive.”

Judicial review need not always lead to invalidation even if grounds are made out. In the case on hand, the petitioner's counsel has pointed out a few flaws vitiating the decision of the SLEC. But for the reasons already mentioned, I decline to interfere.

14.This is not the end of the story. The trust board undertakes before me that the current idol will also be consecrated in the Ardha Mandapam on the day of kumbabhishekam and offered daily worship.



W.P(MD)No.29524 of 2025

15. Recording the undertaking of the trust board, I dismiss this writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

24.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 25.10.2025.

To:

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
2. The State Level Expert Committee,
Hindu Religious and Charitable
Endowments Department,
Chennai.
3. The Joint Commissioner,
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W.P(MD)No.29524 of 2025

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W.P(MD)No.29524 of 2025



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W.P(MD)No.29524 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.29524 of 2025

24.10.2025