



WEB COPY

WP No. 6668 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 6668 of 2023

C.T.Nagappan

..Petitioner(s)

Vs

1. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department, Chennai, No.127, Yadaval Street,
Padi, Chennai-600 050.
2. The Executive Officer
A/m.
AgatheeswararPrasannaVenkatesaPerumal
Temple, No.11, North Mada Street,
Nungambakkam, Chennai-600 034.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorari calling for entire records pertaining to the impugned order dated 03.02.2022 of the 1st respondent made in Se. Mu. Ka. No. 4718/2020/A2 and consequential notice dated 24.01.2023 of the 2nd respondent and quash the same

For Petitioner(s):

Mr.V.Srikanth

For Respondent(s):

Mr.N.R.R.Arun Natarajan, Special Government
Pleader (HR&CE) for R1 and R2



Order

The writ petition has been filed to quash the impugned order of the 1st respondent, wherein the said official had appointed Fit Person for the private institution of the petitioner.

2. Case of the petitioner is that he owns land and superstructure bearing Door No.2, Tank Bund Road, Nungambakkam, Chennai 600 034 and running a concern called VNCT Ventures LLP and 65 members are working in the said private institution. In the said property, a small private temple for goddess Sri Kanniamman is built and maintained by the petitioner. It is located in the rear side of the property and within the compound wall of the premises. The entire superstructure of the institution is situated in or about 300 sq.ft. The public were never allowed to worship in the temple. While being so, the 1st respondent by notice dated 28.06.2021, called upon the petitioner to attend enquiry on an anonymous complaint of some third party. The petitioner also attended the enquiry proceedings. Suddenly to his surprise, the 1st respondent has issued notice dated 24.01.2023, intimating that the 1st respondent has appointed the 2nd respondent as Fit Person of the institution called Kanniamman Temple. The said notice was also annexed with the impugned order, wherein the 1st respondent has passed an order appointing Fit Person to the petitioner's private temple. Aggrieved by the same, the petitioner is before this Court.



3. Learned counsel for the petitioner submitted that the order of appointment of Fit Person has been passed without informing the petitioner and prior to any declaration of status or the character of the temple by the competent authority and further no proceedings have been initiated by the authorities to decide the character of the temple. While so, the 1st respondent even before determining the character of the temple, cannot invoke Section 49 of the HR & CE act and appoint the Fit Person to the petitioner's private institution, which is unsustainable.

4. The learned Special Government Pleader (HR&CE) appearing for the respondents submitted that if the petitioner claims that it is private religious institution, a duty is cast upon the petitioner to either approach the Civil Court or before authority under Section 63(a) of the HR & CE Act for appropriate declaration. In the absence of any declaration or order from the authority under Section 63(a) of the HR & CE Act, the claim of the petitioner cannot be sustained. Accordingly, prays for appropriate orders.

5. Heard both sides and also perused the materials available on record.

6. It is the specific case of the petitioner that the said temple is within the petitioner's premises and it is surrounded by the petitioner's commercial establishment. In fact, it is the case of the petitioner that the temple is only for



the purpose of the petitioner and for the persons who are employed in the petitioner's establishment, if at all they want to visit the temple and there is no ingress or egress of outside persons into the premises of the temple for the purpose of offering prayers.

7. In fact, it is not the case of the respondents that the temple is outside the petitioner's premises and that public are permitted and are offering prayers in the said temple. Further, the basis on which the respondents have come to a conclusion that the temple is being utilized by the public. There is no material to base the conclusion of the respondents as to how the status and character of the temple has been ascertained by the respondents. There is no whisper as to what is the complaint that formed the basis of the notice and the subsequent impugned order. Merely because a temple is put up by private persons, it cannot be brought under the control of the HR & Ce Department when there is no element of public activity involved in the said temple. It is, in fact, not the case of the respondents that public are permitted for offering prayers in the said temple. That being the admitted position, the appointment of fit person for the temple, which has no element of public or commercial activity, is wholly erroneous as the said appointment would cause great hardship and prejudice to the commercial establishment of the petitioner and therefore, the appointment of Fit Person deserves to be interfered with.



8. For the reasons aforesaid, the impugned order of the 1st respondent dated 03.02.2022 is set aside and this writ petition is allowed. However, liberty is granted to the petitioner to approach either the Civil Court or the authority u/s 63(a) of the HR & CE Act and seek declaration of title within a period of twelve weeks from the date of receipt of a copy of this order to establish that the temple is wholly used for private purpose and that public are not granted access to the temple. It is further made clear that till such time the title to the temple is declared in favour of the petitioner, the petitioner cannot claim any ownership in respect of the land where the temple is located. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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