



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7029 of 2026

&

W.M.P.Nos.7658 &7659 of 2026

Chandrasekaran Kaliyannan,
118, Mulakadu,
Echampatti, Ammapalayam,
Perambalur - 621 101.

... Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Nungambakam,
Chennai - 600 034.

2.The Joint Commissioner (Thiruppani)
Tamil Nadu Hindu Religious and Charitable Endowment,
Nungambakam,
Chennai - 600 034.

3.The Chief Engineer,
Tamil Nadu Hindu Religious and Charitable Endowment,
Nungambakam,
Chennai - 600 034.

4.The Executive Officer,
Arulmighu Ponkalamman Temple,
Kumaramangalam,
Namakal - 637 205.

5.The Fit Person,



Arulmighu Ponkalamman Temple,
Kumaramangalam,
Namakkal - 637 205.

6.The Director General,
Archaeological Survey of India,
Dharohar Bhawan,
24 Tilak Marg, New Delhi - 110 001.

7.The Secretary,
Ministry of Culture,
502, C Wing, Shastri Bhawan,
New Delhi - 110 001.

8.The State level Expert Committee,
Rep by Assistant Commissioner (Thirupani),
O/o. The Commissioner,
Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

... Respondents

Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned Approval dated 05.09.2023 passed by the 8th respondent and quash the same as illegal.

For Petitioner: M/s.Sunny Sheen
for Mr.Leeban Arivalagan

For Respondents: Mr.N.R.R.Arun Natarajan,
Spl.Government Pleader,
(HR&CE), for R1 To R5, R8

Mr.D.Ramesh Kumar, for R7

Mr.R.Rajesh Vivekananthan,
Deputy Solicitor General of India.



ORDER

This Writ Petition is filed to seek a writ of Certiorari or any other suitable order concerning the impugned approval dated 05.09.2023, issued by the 8th respondent, the State Level Expert Committee, regarding *Arulmigu Ponkaliamman Temple, Kumaramangalam, Namakkal*, and to have it quashed as illegal.

2. The brief factual background of this case needs to be understood. The *Arulmigu Ponkaliamman Temple in Kumaramangalam, Namakkal*, is said to have been built 300 years ago. It is important to include a depiction of the temple in this judgment, which is as under:





3. The above picture speaks for itself. It clearly shows that the Temple is a beautiful, ancient heritage structure, standing as a testament to the archaeological, cultural, and Bhakti heritage of this part of the world. The only goal should be to conserve the Temple. It can be seen that there is a 'Mahamandapam' in the front portion, built with granite stones. It is stated that the second stage, the 'Arthamandapam' and the 'karuvarai,' are built from sandstones. There is an inspection report by the Archaeological Survey of India, Government of India. After detailed inspection, the condition of the Temple is described as follows:

“On physical examination, it has been observed that the stone blocks (exterior portion of the temple), has significant degree of surface scaling and flaking. This degradation is identified as a direct result of environmental weathering, i.e., due to exposure to humidity, temperature fluctuations and atmospheric pollutants. It is critical to note that while the stones appear distressed, the core of the masonry remains structurally sound and has not yet reached a state of internal failure or deep-seated weakening. However, the surface is actively peeling, and in many sections, the stone is beginning to lose its mineral cohesion, showing early signs of "powdering"-a process where the stone minerals disintegrate into fine dust.”



4. The Conservation Strategy is mentioned as follows:

“To pause this aggressive weathering process, it is recommended to immediately take up the work of providing a sacrificial protective coat using traditional lime mortar. This treatment is essential because the stone requires a breathable barrier that can absorb the effect of environmental stress while allowing moisture within the masonry to evaporate. If this protective layer is not applied promptly, the accelerated weathering will penetrate deeper into the stone units, leading to irreversible loss of detail and eventual structural instability. The lime mortar will serve as a "skin" for the stone surface, ensuring that the natural stone beneath is shielded from direct contact with corrosive environmental elements.”

5. The Technical Recommendations made for long-term stability is mentioned as follows.

“The immediate remedial measure involves surface protection alone, however, further scientific studies are mandatory for the long-term preservation of the Ponkalamman Temple. A comprehensive structural stability study must be commissioned to monitor the load-bearing capacity of the vertical supports and the foundation under current environmental conditions. Furthermore, it is strongly recommended that a dedicated air quality assessment be conducted in the temple vicinity. This will help



identify specific airborne pollutants or high salinity levels that may be catalysing the chemical breakdown of the stone. These combined efforts protective lime plastering, stability monitoring, and environmental analysis-are vital for ensuring the temple's longevity for future generations.”

6. Though the report ultimately did not declare the temple as an ancient monument, it included the Conservation Strategy and the Technical Recommendations. In this context, it is stated that the HR&CE Department has taken up the issue of conserving the temple and carrying out the necessary works, and will then perform the *Kumbabishekam* of the ancient temple.

7. Originally, when the matter was taken up before the State Level Expert Committee on 08.08.2023, the authorities requested the immediate resetting of the *Mahamandapam*, '*Arthamandapam*', and the '*Garbhagriham*'. The State Level Expert Committee rejected this request, stating that those works were not permitted. Subsequently, it is stated that the authorities, specifically the trustees of the *Ponkalamman Thirukoil*, addressed the issue of testing the temple's structural stability. The Government College of Technology, Coimbatore, was consulted as an expert, and a test report is said to have been submitted on 30.08.2023. The entire report is excerpted below:



DIRECTORATE OF TECHNICAL EDUCATION, TAMIL NADU
GOVERNMENT COLLEGE OF TECHNOLOGY, COIMBATORE
DEPARTMENT OF CIVIL ENGINEERING
STRENGTH OF MATERIALS LABORATORY



TEST REPORT

Lr.No.85/PCF/SML/TESTING/2023-2024 Dt.30.08.2023

Client : The Trustees,
Arulmigu Ponkalammon Thirukovil,
Kumaramangalam, Tiruchengode,
Namakkal-637205.

Reference : Your Lr.No. Nil Date: 16.08.2023

Details of sample received : Stone - 3Nos
(200mm x 100mm)

Nature of test : Compressive strength of stone

Date of receipt of sample : 18.08.2023

Date of Testing : 21.08.2023

Compression Test

S.No	Identification Mark	Weight (kg)	Maximum Load (kN)	Compressive Strength (N/mm ²)
1	NIL	11.10	1400	70.00
2	NIL	11.12	1360	68.00
3	NIL	10.90	1240	62.00
Average Compressive strength of concrete cube				66.70

As per IS 1597 (Part 1):1992, Clause 5.1.2.1, the minimum crushing strength of building should be not less than 100 MPa, Hence the given stone is not fit for building purpose.



R. Chinn 30/8/23
PROFESSOR OF CIVIL ENGG (S)



8. It is seen that, afterwards, the State Level Expert Committee was approached once more. The following request and the permission granted by the Committee are noted.

“Resetting of Garbhagraham, Ardhmandapam and Mahamandapam: According to the compressive strength report from Directorate of Technical education, the report says the old plain structure below Garbhagriha cannot take the load. So it is permitted for reconstruction for Garbhagrha & Aradhamandapam walls with new stone and old size other stone structures are permitted only for resetting in situ conservation old Pillars are to be retained.”

9. It is evident from the State Level Expert Committee report that, while nothing can be done regarding the ‘Mahamandapam,’ which is made of granite, the Committee has authorised the reconstruction of the ‘Arthamandapam’ and ‘Garbhagriham’ walls using new stones of the same size as the old ones. Other stone structures are permitted only for reassembling with a focus on conservation, and the old pillars are to be retained. Under these circumstances, the Department states that they will carefully dismantle the ‘Arthamandapam’ and ‘Garbhagriham,’ preserving the basic framework, including any pillars, to facilitate conservation by replacing the sandstone wherever necessary as



indicated. Reliance is also placed on the same report of the Archaeological Survey of India, which notes that the sandstone structures are showing signs of disintegration, with particles beginning to powder.

10. The Learned Counsel for the petitioner submits that the entire exercise is an abuse of power. The State Level Expert Committee issues hundreds of orders daily, and on that particular day, 142 approvals were granted. Therefore, there is a clear lack of consideration. The signatures of certain participants vary in each order, indicating that some make-believe signatures are routinely forged to suggest that the Agamas experts or other specialists are present at the meeting. The structure is stable and good, and there is no need to dismantle the entire temple. Without consulting any experts, and solely based on the opinion attributed to the Government College of Technology, Coimbatore, the entire judgment appears to have been altered. Regarding the test report, it reads as if it describes the average compressive strength of a concrete cube. However, no concrete cube exists in the temple, which is admitted to be made exclusively of sandstone. Therefore, the nature of the test conducted by the institution remains unclear. In fact, the earlier Division Bench directed that experts from IIT Madras be consulted, and there was no reason for the authorities to deviate from this mandatory instruction. Hence, he argues that the report results from a lack of proper consideration and possibly forgery. Second, given the temple's age of



approximately more than 100 years, the statutory procedures prescribed by law, more specifically, The Tamilnadu Heritage Commission Act, 2012, have not been followed.

11. Further, the learned counsel for the petitioner submits that, once the order of the Archaeological Survey of India does not declare the temple as a protected monument, the provisions of the Tamil Nadu Heritage Commission Act, 2012 would come into effect. Statutory compliance must then be met, and no dismantling can be carried out without adhering to these legal requirements. They must obtain the mandatory permissions under the said Act and seek approval from the Heritage Commission before any work can be undertaken.

12. The Learned Counsel would also rely on *Paragraph 10.4* of the Hon'ble Division Bench judgment in W.P.Nos.34810 of 2023 and 11240 of 2024, dated 29.01.2026, which is extracted below for ease of reference.

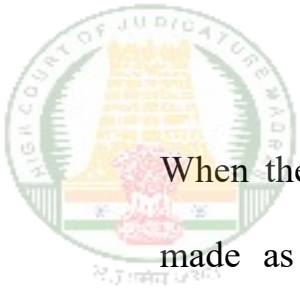
“10.4. Since the legal position is very clear, where, once the State Heritage Commission Act has come into effect, unless the State Heritage Commission is constituted in full form and functional and without getting proper permission from the State Heritage Commission, since no developments and progress by making any civil constructions in the



archaeologically important Temples and Structures should be made in the State of Tamil Nadu, we make it clear that no such developments or progress, by way of civil constructions in any archaeologically important or archaeologically related Temples and Structures in the State of Tamil Nadu, shall be made until further orders.”

13. The learned counsel for the petitioner submits that, during the first instance when the State Level Expert Committee rejected the proposal, the relevant experts, namely the Structural Expert and the Archaeological Expert, were present. However, in the second meeting, these experts were not present, even though their expert advice is very relevant for the current matter.

14. Per contra, Mr. N.R.R. Arun Natarajan, learned Special Government Pleader, submits that the entire writ petition amounts to forum shopping. Some other person earlier filed a Public Interest Litigation with the same prayer, and although an interim order was initially granted by the Hon’ble First Division Bench, it was vacated by an order dated 13.11.2025. Subsequently, to stall further proceedings, the present writ petition was filed. The matter was argued in detail, and after considering all issues, the Hon’ble Division Bench vacated the interim order. Therefore, there is no question of continuing the interim order.



When the interim order was sought the last time, a false representation was made as if the machinery was moved to demolish the temple. Now, he understands that there was no such move on that day and that the false representation was only made to obtain an interim order. The conservation work is part of the Kumbhabhishekam celebrations. The temple should not be allowed to collapse. According to experts, the sandstone structure is unstable, and granting permission to scientifically dismantle and conserve the temple using only approved materials is in the temple's best interests. The temple, being a 300-year-old heritage structure, must be conserved and maintained by everyone involved.

15. The Learned Counsel submits that, when the earlier Division Bench constituted the State Level Heritage Committee, Paragraph No.6 directed the inclusion of a Structural Expert, Archaeological Expert, Conservation Expert, and a qualified traditional *Sthapati*. Therefore, when the State Level Expert Committee grants permission, it also signifies the Heritage Experts' approval. The Division Bench also considered the role of the Heritage experts. Paragraphs 4, 5, and 6 of the order of the Hon'ble Division Bench in W.P.No.574 of 2015, etc., provide standing instructions regarding the renovation of temples and *Kumbhabhishekam*. The Learned Special Government Pleader argues that, considering everything, the Hon'ble First Division Bench vacated the interim



order and permitted the process to continue. As a Result, there is no need to stall or continue the interim orders. It is reiterated that the ‘Mahamandapam,’ a granite structure, will not be touched. Only the sandstone structure requiring immediate attention will be dismantled and rebuilt without losing any heritage value. The recreation will be exact, using only the permitted materials. He states that the State Level Committee conducts the exercise carefully, granting permission only after thorough consideration. The number of permissions issued on a particular day is not material, nor is it reflected in the record, and preliminary studies and consideration are undertaken before the meeting. The allegation of signature forgery is also denied.

16. The learned counsel appearing on behalf of the petitioner in reply would submit that, even according to the said Division Bench judgment, a survey of 100-year-old temples was directed to be undertaken, and this temple is one of them.

17. I have considered the rival submissions made on either side and perused the material records of the case.



18. The following questions arise for consideration:

(a) Can this Court entertain the writ petition and proceed with further orders when the matter is pending before the Division Bench?

(b) Should the impugned order of the State Level Expert Committee dated 05.09.2023 be quashed?

(c) What relief are the parties entitled to?

Question (a):

19. It is true that, with reference to the same Temple, a Public Interest Litigation is said to be pending in W.P.No.16179 of 2024. Regarding Temples, it should also be noted that any devotee is considered an interested person having locus stands. When a devotee files a writ petition concerning temple work, it can be entertained by considering him as an aggrieved person. Thus, the maintainability of the writ petition before this Court (Single Bench) cannot be questioned. However, principles of propriety demand that if the same issue has already been considered by the Division Bench, this Court shall take the same into account. In this regard, the order of the Hon'ble First Division Bench is placed before this Court and reads as follows:

“Learned counsel for the petitioner seeks some more time to file additional affidavit as stated earlier.

One more opportunity is granted as last



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WP No. 7029 of 2



indulgence. No further time would be granted.

List on 21.11.2025.

The interim order granted stands vacated.”

20. Thus, it can be seen that the Hon’ble Division Bench did not address the matter on its merits, but based on the default of the petitioner. Therefore, since the matter has been argued in detail before this Court, I am of the opinion that the mere pendency of the Public Interest Litigation alone does not prevent this Court from entertaining this writ petition or considering the questions raised on merits. Accordingly, this question is answered.

Questions (b) & (c):

21. Regarding the impugned order dated 05.09.2023, certain technical arguments are raised, referencing Section 11 of the Tamil Nadu Heritage Commission Act, 2012, as well as the participation of some members. However, in this case, the picture of the Temple was extracted earlier. It is evident that the temple is a 300-year-old structure. Therefore, it is the mandatory duty of everyone, including this Court in its role as *parens patriae* of the Temple and its properties, to ensure that the Temple is preserved in its pristine condition. First, it is stated that the earlier Division Bench, when issuing general directions in W.P.No.574 of 2015, also considered the fact that all relevant experts were involved in the State Level Expert Committee. It is also true that at the time the



judgment was passed, the Tamil Nadu Heritage Commission Act, 2012 had not yet come into force, but it subsequently came into force in the year 2024. It has been brought to the Court's notice that the Commission has not yet been constituted under the said Act. It is also correct that the later Division Bench prohibited authorities from carrying out any civil construction in archaeologically significant Temples, but it is contended that the works relating to Kumbabishekam are permitted. However, in this case, it must be noted that when the structural stability of the temple is in question, the Hon'ble Division Bench did not say that all authorities should remain inactive even if the temple's stability is at risk. Certainly, if the stability is in question, it must be addressed immediately. Therefore, considering the structural instability alleged by the HR and CE Department, the entire issue must be thoroughly examined. As per the Archaeological Survey of India's report, detailed tests must be conducted before any long-term conservation decisions are made. I have already extracted the test report submitted by the appropriate expert, namely the Government College of Technology, Coimbatore.

22. However, considering the Archaeological importance of the Temple, every authority concerned, should be doubly sure before touching the pristine structure. I am of the view that technically, the work cannot also await until the Heritage Commission is constituted, as it is everyone's duty to ensure that the



Temple structure stands tall and should not be allowed to cave in and further deterioration should be arrested. Even the Government of India's Architectural Report, the sand and stones are peeling off the outside. The enlarged pictures of these stones are produced. It appears to the naked eye that there is some peeling takes place in the outer layers. But at the same time, it is pleaded on behalf of the petitioners that the structure is very much stable and will go on for another 100 years. This Court is also not an expert to determine or to substitute its own opinion for the expert's opinion.

23. It is for the expert to decide on this matter. It is true that the State Level Expert Committee had made a decision. However, in a temple of this nature, it is evident that during the meeting, Mr. K. Muthusamy, a Structural Expert, was not present. Therefore, when the respondents' HR&CE authorities claim they are only trying to conserve the temple in its pristine state, no exception can be taken to their intention or that of the trustees. The nature of the test conducted by the expert shows there is a lack of compression strength in the sample provided. There is no detail or pleadings about where the samples were drawn from, what specific works are involved, and the manner in which they should be carried out. Considering the heritage and the 300-year-old structure, I believe that before proceeding with the work as per the clearance from the State Level Expert Committee, another inspection should be conducted. This could be



by the full Committee or a sub-committee appointed by the Committee, which must definitely include the Structural Expert, the Archaeological Expert, and the Conservation Expert of the State Government. During this inspection, an expert from the Archaeological Survey of India should also be present, and the petitioner or any other heritage enthusiast may attend as well. All viewpoints should be collected, and the inspection should be aimed at determining whether dismantling is necessary, whether it can be avoided, and, if unavoidable, what procedures should be followed. These details should be documented by the order of the expert and then formally presented again before the State Level Expert Committee. The committee should promptly convene a meeting specifically for this temple, as further delay is not acceptable.

24. It is to be noted that when the Archeological Survey of India made an inspection and created a report dated 13.12.2025. However, despite such a beautiful heritage structure being inspected in detail, nothing was done by that authority. It will be ideal to go through all the statutory compliances, wait for the Heritage Commission to be constituted, obtain the clearance and thereafter proceed with the conservation works. On the other hand, we should not be guilty of closing our eyes and watching a Temple caving in. Therefore, this requires urgent action. Therefore, Only keeping that need in mind, though matters are pending before the Hon'ble Division Benches, in W.P.No.574 of



2015, W.P.No.34810 of 2023 and in W.P.No.16179 of 2024, this Court still proceeds to consider the issue on merits and pass the order. I am not addressing the contentious issue of the signature discrepancy, as the conservation of the Temple is the more relevant and pressing matter that is considered.

The Result:

25. In view of the above findings, this writ petition is disposed of on the following terms:

(i) The State Level Expert Committee shall, either with the full strength of the Committee or by constituting a Sub-committee, which should certainly include the Structural Expert, Archaeological Expert and Conservation Expert of the State of Tamil Nadu, conduct an inspection of the Temple as early as possible by fixing a date;

(ii) The date of inspection shall be notified to the Archaeological Survey of India, which shall without fail, depute one of the Experts from its side. The date of inspection shall be displayed in the Temple entrance/notice board and the petitioner shall also be informed. The petitioner, or any other person, interested shall be present during the inspection and place their views before the Inspecting Team. The inspecting team shall take into consideration:



(a) The earlier report of the Archaeological Survey of India dated 13.02.2025;

(b) The report of the Government College of Technology, Coimbatore dated 30.08.2023 and;

(c) Consider if it is possible to conserve the '*Arthamandapam*' and '*Karuvarai*' of the temple without dismantling or whether dismantling is essential. It shall consider the aspects relating to stability test conducted by the Government College of Technology, by specifically noting from where the sample was taken and whether sampling is right or not. It can also recommend and conduct further tests or any scientific study for the purpose of its conclusion in the matter.

(d) The report shall expressly address the grievances that are mentioned by the petitioner or any other person by a speaking order containing reasons;

(iii) As per the report, the SLEC, shall pass a further clearance order specifying the works to be undertaken and its details and manner and thereafter the conservation work shall proceed accordingly.

(iv) There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

23-02-2026

Neutral Citation: Yes
bsm



To,
1. The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Nungambakam,
Chennai - 600 034.

2. The Joint Commissioner (Thiruppani)
Tamil Nadu Hindu Religious and Charitable Endowment,
Nungambakam,
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7. The Secretary,
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502, C Wing, Shastri Bhawan,
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8. The Assistant Commissioner (Thirupani)
State level Expert Committee,
O/o. The Commissioner,
Uttamar Gandhi Salai,
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WP No. 7029 of 2



D.BHARATHA CHAKRAVARTHY, J.
bsm

W.P.No.7029 of 2026
& WMP Nos.7658 & 7659 of 2026

23-02-2026



W.P.No.7029 of 2026

D.BHARATHA CHAKRAVARTHY, J.

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The matter is listed today under the caption “for being mentioned”.

2. It is brought to the notice of this Court that the appearance of Mr.R.Rajesh Vivekananthan, learned Deputy Solicitor General of India, is not mentioned for the sixth respondent in the order dated 23.02.2026.

3. In view thereof, the Registry is directed to mention the appearance of Mr.R.Rajesh Vivekananthan, learned Deputy Solicitor General of India, for the sixth respondent in the order and upload the corrected order.

07.04.2026

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WP No. 7029 of 2



D.BHARATHA CHAKRAVARTHY, J.
JEN

W.P.No.7029 of 2026

07.04.2026