



WEB COPY



W.P.No.20279 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.20279 of 2026

AND

W.M.P.Nos.21737, 21738, 21747 & 23941 of 2026

Shri.K.Balasubramanian,
Advocate,
No.9,Bungalow Street,
Sivanthakulam, Tuticorin-628 003

Petitioner(s)

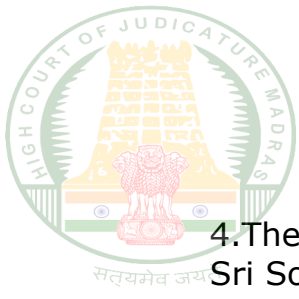
Vs

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

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road, Nungambakkam,
Chennai 600 034

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nagapattinam-611 001

Page 1 of 16



W.P.No.20279 of 2026

4.The Executive Officer,
Sri Sowriraja Perumal Temple, Thirukkannapuram,
Nagapattinam District, Pincode-609 704

5.The Fit Person,
Sri Sowriraja Perumal Temple, Thirukkannapuram,
Nagapattinam District, Pincode 609 704

6.The Superintending Archaeologist,
Archaeological Survey of India, Chennai Circle,
Fort St.George, Chennai-600 009

7.The Deputy Accountant General (Administration),
O/o.Principal Accountant General (Audit),
Tamil Nadu and Puducherry, Audit Bhavan,
361, Anna Salai, Teynampet, Chennai 600 018

8.The State Level Expert Committee,
Rep by its joint Commissioner (Thiruppani),
Hindu Religious and Charitable Endowments Department,
(Head Office),119,Uthamar Gandhi Road, Nungambakkam,
Chennai 600 034

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents, their men, agents, servants, officers or any person acting under or through them from in any manner proceeding with, undertaking, continuing or carrying out any renovation, reconstruction, alteration, demolition, structural modification or expenditure in respect of Sri Sowriraja Perumal Temple, Thirukkannapuram, Nagapattinam District, except in strict compliance with the law relating to the Tamil Nadu Heritage Commission Act, 2012 and its requirements and all other statutory procedures governing heritage and temple administration

Page 2 of 16



W.P.No.20279 of 2026

and utilization of temple funds, and in strict compliance with Section 86 of the Hindu religious and Charitable Endowments Act, 1959 and the applicable Rules, and consequently direct the 7th respondent to conduct a time-bound independent external audit, including forensic financial and compliance audit, into the renovation works already undertaken in the said temple including sanction procedures, approvals, tendering process, execution of works, utilization of funds and compliance with statutory requirements and submit a detailed report before this Hon'ble Court within a time frame to be fixed by this Hon'ble Court.

For Appellant(s) : Mr. S.K.Srinivasan

For Respondent(s) : Mr. R.Veeramani,
Government Pleader for R1

Mr. D.Yashwanth Rajan
Government Advocate for RR2 & 3

Mr. S.Girish for R4

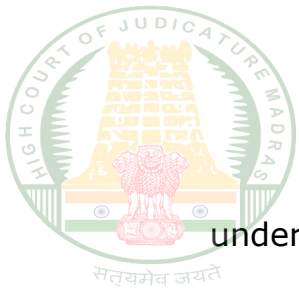
Mr. R.Sanjay
Central Government Standing Counsel
for Mr.E.Rajesh Vivekananthan
Deputy Solicitor General for R6

No appearance for RR5, 7 & 8

JUDGMENT

(Delivered by G.ARUL MURUGAN, J.)

This writ petition, styled as public interest litigation, is filed by a devotee seeking to forbear the respondent authorities from

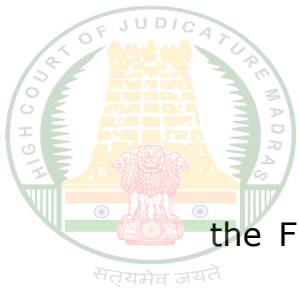


W.P.No.20279 of 2026

undertaking or carrying out renovation, reconstruction, alteration, demolition, structural modification of Sri Sowriraja Perumal Temple, Thirukkannapuram, Nagapattinam District, except in strict compliance with statutory requirements.

2. It is the case of the petitioner that Sri Sowriraja Perumal Temple in Thirukannapuram is a heritage temple recognized as one of the Divya Desams and is known as Bhuloka Vaikundam, one of the eight Mukti Kshetrams. The temple is mentioned in Sangam literature and sung by Alwars and the stone construction was initiated during Chola era and, therefore, the temple has historical, heritage and architectural value.

3. It is further stated that the order dated 05.09.2024 passed in the earlier W.P.No.26287 of 2024, directing the constitution of a Thiruppani Committee has to be treated as *per incuriam* as it is not in compliance with the mandatory provisions of the Tamil Nadu Heritage Commission Act, 2012 (in short "the Act"). The renovation works undertaken are in violation of Section 86 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short "HR&CE Act"), as no prior sanction and budgetary approval was obtained and



W.P.No.20279 of 2026

the Fit Person is exercising powers beyond the permissible scope by doing renovation works. Hence, the petitioner has come with the above writ petition seeking to forebear from carrying out any works in Sri Sowriraja Perumal temple.

4. This Court, by order dated 21.05.2026, granted interim injunction restraining the authorities from carrying out the works till 30.06.2026. The fourth respondent/Executive Officer, has come up with a petition in WMP.No.23941 of 2026 seeking to vacate the interim order granted.

5. Learned counsel appearing for the petitioner contended that, since the Act has come into force from 01st March 2024, as per Section 11 of the Act, no work can be undertaken in any heritage temple without the approval of the Heritage Commission and, as such, the works carried out by the authorities in the heritage temple are in violation to the mandatory provisions of the Act and are, therefore, legally impermissible.

6. He further submitted that the works are being carried out in a hurried manner without adhering to the procedural safeguards that are



W.P.No.20279 of 2026

to be undertaken for renovation of a heritage temple and high pressure water pumps are used, which would result in irreversible damage to the heritage structure.

7. The learned counsel, by placing reliance on the common order dated 29.01.2026 passed by a Co-ordinate Bench, in the case of **A. Radhakrishnan v. Secretary to Government and Others (W.P.Nos.34810 of 2023 and 11240 of 2024 decided on 09.10.2025)**, submitted that, the State has been directed to constitute the State Heritage Commission under the Act and the Division Bench has restrained carrying out any civil constructions in the archaeologically important temples. Therefore, any work undertaken by the authorities or the fourth respondent in the temple would be in violation to the directions and also detrimental to the heritage structure of the temple and the devotees.

8. Mr.S.Girish, learned counsel for the fourth respondent/temple submitted that, the Act was notified only on 01st March 2024, but the necessary permission for renovation was obtained by the temple from the State Level Expert Committee (SLEC) as early as 22.09.2023. He further submitted that based on the permission granted by the SLEC,

Page 6 of 16



W.P.No.20279 of 2026

the second respondent Commissioner had also accorded administrative sanction on 01.12.2023, for undertaking the approved renovation work and the works have been undertaken and are in progress for the past three years.

9. The learned counsel further submitted that when the Act was notified only on 01st March 2024, the permission granted in 2023 itself will in no way get affected, particularly, when major portion of the works are completed and the balance work is to be done for conducting Kumbabhishekam. He further submitted that due to the interim order granted, all the entire works have been suspended, which would result in damage and delay in completion of the work.

10. Heard the submissions and considered the materials available on record.

11. Sri Sowriraja Perumal Temple is a heritage temple having religious and historical importance. It is stated that the Kumbabishekam of the temple was earlier conducted on 14.09.2005 and more than 20 years have lapsed. For the purpose of conducting Kumbabishekam, the fourth respondent temple decided to carry out

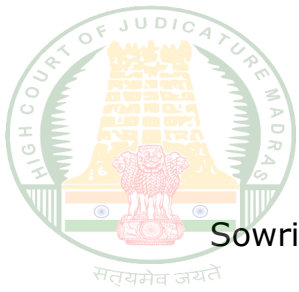


W.P.No.20279 of 2026

the repair and renovation works. Although the Act was promulgated, it was not immediately notified. The issue of carrying out the renovation and alteration works in the heritage temples, which are more than 100 years old, was considered by a Division Bench of this Court in *Suo Motu* W.P.No.574 of 2015, wherein, the Division Bench had issued a compendium of directions and constituted the SLEC, consisting of the experts in all the fields. The composition of SLEC, the nature of permission to be obtained for carrying out works have been laid down by the directions of the Court.

12. The fourth respondent/temple has filed an application before the SLEC seeking permission for carrying out the works in the temple, particularly in the nature of repairing the cracks and some works listed therein. The Committee consisting of the structural experts, archaeological experts, conservant experts, the stapati and the agamic experts, including the HR&CE officials, by proceedings dated 22.09.2023, resolved permitting the temple to carry out the works.

13. It is also to be noted that earlier, one of the devotees has approached this Court in W.P.No.26287 of 2024, seeking to restrain the authorities from carrying out Balalayam or the renovation work in Sri



W.P.No.20279 of 2026

Sowriraja Perumal Temple. By order dated 05.09.2024, this writ petition came to be disposed of directing the third respondent viz., the Joint Commissioner, to form a Thiruppani Committee for the purpose of conducting Balalayam.

14. Admittedly, the petitioner has neither challenged the order directing the third respondent to constitute a Thiruppani Committee for performing Balalayam and carrying out the renovation works nor the order of the SLEC, the expert body constituted pursuant to the directives of the Division Bench. Pursuant to the orders passed in the earlier writ petition and the permission granted by the SLEC as early as 22.09.2023, the renovation works have been continuously carried out over the past three years and are now at the stage of completion.

15. It is stated by the fourth respondent/temple that before commencing the work, they have obtained further opinion from the archaeological expert on 05.11.2023. The works undertaken are only in respect of identified portion in the temple requiring urgent repair and there is no proposal for reconstruction or structural alteration of the temple. The works carried are only for the sole purpose of preserving the existing structures, preventing any further



W.P.No.20279 of 2026

deterioration.

WEB COPY

16. After the approval was granted by the District Level Committee on 14.09.2023 and by the SLEC on 22.09.2023, the Commissioner, HR&CE, has also granted sanction on 01.12.2023. There is no civil work either for alteration or demolition of any structure being undertaken, except strictly carrying out the limited repair/renovation works, which was permitted by the SLEC.

17. Admittedly, when none of these approvals or proceedings granted authorising renovation works has been put to challenge and the work is ongoing for the past three years, the main plank of contention of the learned counsel for the petitioner is that subsequent to the notification of the Act, no further work can be undertaken except with the prior approval of the Heritage Commission under Section 11 of the Act.

18. We are unable to accept such a contention under the facts and circumstances of the present case, where the renovation works requiring minimum repairs to prevent further damage to the archaeological structures and carrying out Kumbabhishekam was

Page 10 of 16



W.P.No.20279 of 2026

permitted by the SLEC constituted under the directions of this Court and that the Balalayam was also conducted pursuant to the orders of this Court by formation of the Thiruppani Committee and the administrative sanction was accorded by the HR&CE Department. When the works have been proceeded as per approval granted and are in progress for the past three years, the subsequent notifying of the Act will not undo the permissions already granted and the works executed.

19. Insofar as the submissions of the learned counsel for the petitioner placing reliance on the orders of the Co-ordinate Bench of this Court dated 09.10.2025 in A. Radhakrishnan (cited *supra*) are concerned, it is to be noted that the Division Bench directed the State to form a Heritage Commission as per the provisions of the Act, and made it clear that no further development or progress by making any civil construction in the archaeologically important temples and structures shall be made until further orders. However, the Division Bench had made it clear that the restrictions imposed will not be applicable to perform festivals, which includes Kumbhabhishekam and Samprokshanam in the temples. Relevant portion of the order, reads as under:

Page 11 of 16



W.P.No.20279 of 2026

WEB COPY

"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.

10.5. These of our orders shall not be misunderstood that, the restrictions being made in respect of civil constructions within or outside the heritage structure or temples shall also be applicable to performing festivals, which includes kumbhabhishekam and samprokshanam, in any Temples under the HR & CE Department."

20. As referred above and submitted by the fourth respondent temple, no civil work or construction is undertaken in the temple, but however, only the limited works of repair and renovation as permitted by the SLEC are undertaken, which have been going on for the past three years and are at the verge of completion. Therefore, the above



W.P.No.20279 of 2026

order does not restrict the present works undertaken by the temple.

Under such circumstances, by allowing the interim order to operate, the work which was going on for the past three years, which was all of a sudden suspended, would result in only incompleteness of work and further delay the Kumbabhisekam, particularly, when the Balalayam has been conducted.

21. However, since certain allegations are made that the works permitted are carried out in haste without taking protective measures which results in damage to the heritage structure, while vacating the interim order and allowing the temple to proceed with the works, we only deem it fit to direct the Superintending Archaeologist, Archaeological Survey of India, Trichy Circle, Trichy, to carry out the inspection of the Sri Sowriraja Perumal Temple and ensure that the works permitted by the SLEC are undertaken in a proper manner, without in any way affecting the temple, preserving the heritage structure. Any deviations or defects pointed out by the Superintending Archaeologist in the works carried on, shall be immediately and duly attended to and rectified by the fourth respondent/temple and the authorities. Such inspection shall be carried out within one week from the date of receipt of the copy of the judgment.

Page 13 of 16



W.P.No.20279 of 2026

WEB COPY

22. With the above observations and directions, the writ petition stands disposed of. The interim order granted by this Court on 21.05.2026 in W.M.P.No.21737 of 2026 stands vacated. There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
16.06.2026

Index : Yes/No
Neutral Citation : Yes/No
gya

To

1.The Secretary,
State of Tamil Nadu,
Department of Tourism, Culture and Religious Endowments,
Secretariat, Fort St.George, Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road, Nungambakkam,
Chennai 600 034

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nagapattinam-611 001

4.The Executive Officer,
Sri Sowriraja Perumal Temple, Thirukkannapuram,
Nagapattinam District, Pincode-609 704



W.P.No.20279 of 2026

5.The Fit Person,
Sri Sowriraja Perumal Temple, Thirukkannapuram,
Nagapattinam District, Pincode 609 704

6.The Superintending Archaeologist,
Archaeological Survey of India, Chennai Circle,
Fort St.George, Chennai-600 009

7.The Deputy Accountant General (Administration),
O/o.Principal Accountant General (Audit),
Tamil Nadu and Puducherry, Audit Bhavan,
361, Anna Salai, Teynampet, Chennai 600 018

8.The joint Commissioner (Thiruppani)
State Level Expert Committee,
Hindu Religious and Charitable Endowments Department,
(Head Office),119,Uthamar Gandhi Road, Nungambakkam,
Chennai 600 034

Note : A copy of this judgment to be marked to
The Superintending Archaeologist,
Archaeological Survey of India, Trichy Circle
Trichy



WEB COPY



W.P.No.20279 of 2026

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

gya

W.P.No.20279 of 2026

16.06.2026

Page 16 of 16