



W.P.No.40361 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 08.01.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.40361 of 2025
and W.M.P.Nos.45334 and 45336 of 2025

M.Sivaraj

.. Petitioner

Versus

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem,
Salem District.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dharmapuri,
Dharmapuri District.
3. The Executive officer,
Sri Vinayagar Siva Subramania Swamy Thirukovil,
Annasagaram,
Dharmapuri,
Dharmapuri District.
4. V.A.Balaraman
5. A.Kasinathan
6. G.Asokan
7. K.Gopu
8. A.Annamalai
9. B.Yuvaraj



W.P.No.40361 of 2025

10. M.Sarathbabu
11. A.Gopi
12. Palani Gopal
13. P.Rajasekaran

.. Respondents

(Respondent Nos.4 to 13 are added as per the order, dated 08.01.2026 in W.M.P.No403 of 2026 in W.P.No.40361 of 2025)

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the Notice Items No.5211, dated 15.09.2025, issued by the 3rd respondent, quash the same and consequently forbearing the respondents to interfere with the affairs of petitioner's family clan temple Sri Idumban Thirukovil as situated in the S.No.276, now T.S.No.12, No.32, Virupakshipuram village, Annasagaram, Dharmapuri Taluk, Dharmapuri District in any manner.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader,
for RR-1 to 3

: Mr.S.Sathiaseelan,
for RR-4 to 13

ORDER

This Writ Petition is filed challenging the impugned order, dated 15.09.2025 praying to quash the same and consequently, forbearing the respondents to interfere with the affairs of the petitioner's family clan



W.P.No.40361 of 2025

temple, Sri Idumban Thirukovil as situated in S.No.276, now T.S.No.12, No.32 Virupakshipuram village, Annasagaram, Dharmapuri taluk, Dharmapuri district.

2. The claim of the petitioner is that the said Idumban Thirukovil is their kuladeivam. It is their ancestors and clan alone who have established and are maintaining the temple and the temple is a private temple. They alone are entitled to maintain the same and periodically, they have been renovating and carrying on the worship. In the year 2003, they reconstructed/renovated the temple and in the year 2015 also, they only reconstructed/renovated the temple. When the similar exercise is now being undertaken, the impugned order is passed.

3. According to *Mr.A.Saravanan*, learned Counsel for the petitioner, the impugned order is wholly without jurisdiction and without any reason whatsoever and the authorities cannot interfere with the affairs of the petitioner with reference to the said temple.

4. Per *contra*, *Mr.N.R.R.Arun Natarajan*, learned Special Government Pleader for the respondent Nos.1 to 3 would submit that the



W.P.No.40361 of 2025

temple is not a private temple, but, it is a public temple. Once it is a public temple, now, by virtue of the judgment of the Hon'ble Division Bench of this Court in *A/M Kumbeswarar Koil Vs. Commissioner, Hindu Religious and Charitable Endowments Department and Ors.*¹, any person intending to carry on the Thirupani has to follow the procedure that is laid down by this Court and absolutely, no procedure whatsoever has been followed by the petitioner.

5. *Mr.S.Sathiaseelan*, learned Counsel for the newly impleaded respondent Nos.4 to 13 would submit that it is incorrect to state that the temple is a private temple. Even the land in question stands in the name of the temple and it is not in the name of the ancestors and it is also categorically mentioned as Government poramboke with the temple in the remarks column. Therefore, the temple can only be a public temple. Therefore, the petitioner, on its own whims and fancies, cannot carry on the renovation/Thirupani of the temple.

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

¹ (2023) 5 LW 644



W.P.No.40361 of 2025

WEB COPY

7. If it is the case of the petitioner that the temple is a private temple, then, they should approach the competent Civil Court or the authority as per the statute and obtain a declaration to that effect. The law has since been settled when there is a presumption that the temples are public temples unless there is a declaration to the contrary. In view thereof, if it is the contention of the petitioner that the temple is a private temple, it will be open for them to approach the competent Civil Court and if they want to forthwith continue the construction also, they have to move such interim application before the Civil Court, which will consider the same on its own merits and without any such order, they cannot now proceed with the construction. On the contrary, if they plead that the temple is a public temple, then, they have to approach the respondent authorities for getting permission for appointment for Thirupanikuzhu and the manner in which the renovation should be carried on etc., under Section 63B of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and thereafter only, they can carry on the construction as per the directives of the Division Bench of this Court.

8. With the above said liberties kept open to the petitioner, this



W.P.No.40361 of 2025

Writ Petition stands disposed of. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

08.01.2026

Neutral Citation : yes/no
grs

To

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem,
Salem District.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dharmapuri,
Dharmapuri District.
3. The Executive officer,
Sri Vinayagar Siva Subramania Swamy Thirukovil,
Annasagaram,
Dharmapuri,
Dharmapuri District.



WEB COPY



W.P.No.40361 of 2025

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.40361 of 2025
and W.M.P.Nos.45334 and 45336 of 2025

08.01.2026