



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WMP No. 55583 of 2025

AND

**WMP NO. 8057 OF 2026 and WMP NO. 56758 OF 2025 in
WP NO. 20792 OF 2025, WP NO. 33693 OF 2025, WP NO. 34886 OF
2025**

R.Rajagopal

S/o. Late R. Ramachandran, 22 Parthasarathy Koil
Street, Triplicane, Chennai-600 005

..Petitioner(s)

Vs

1. The Sub Registrar
Triplicane Sub-registrar Office, Royapettah,
Chennai-600 014
2. Assistant Commissioner /executive Officer
Arulmigu Parthasarathy Swamy Temple,
Triplicane, Chennai-600 005

..Respondent(s)

WMP No. 8057 of 2026

R.Mohana

W/o.Late.S.Rajamani, Old Door No.7, New No.27,
West Kk Nagar, Chennai-600 078

..Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Charitable Endowments
Department, No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034
2. The Joint Commissioner/executive Officer
Arulmigu Vadapalani Andavar Kovil,
Vadapalani, Chennai-600 026
3. The Sub Registrar
Virugambakkam Sub Registrar Office, Arcot
Road, Virugambakkam, Chennai-600 092



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..Respondent(s)

WMP No. 56758 of 2025

1. R.Jayasree
D/o. K Sethuraman Reside At No. 45
Ponniammal Koil Street, Adyar Chennai 600
020.
2. Suresh
S/o. K. Sethuraman Reside At No. 45
Ponniammal Koil Street, Adyar Chennai 600
020.
3. Sriram S
S/o. K Sethuraman, Reside At No. 45
Ponniammal Koil Street, Adyar Chennai 600
020.

..Petitioner(s)

Vs

1. The Sub Registrar
Kamaraj Avenue Adyar, Chennai
2. The Inspector General Of Registration
No. 100 Santhome High Road, Raja
Annamalaipuram, Chennai 60 028.
3. The Commissioner 117 Uthamar Gandhi Salai
Nungambakam, Chennai 600 034.
4. Arulmighu Arunachalaeshwarar Temple
Represented By Joint Commisioner Cum
Executive Office, R Sannathi Street
Thiruvanamalai 606 601.

..Respondent(s)

WMP No. 55583 of 2025



To recall its Order dated 24.11.2025 passed in WP.No. 34886 of 2025 referring the matter to the special bench for clarification and hear the above writ petition.

WMP No. 8057 of 2026

To recall the order dated 24.11.2025 passed in WP.No. 33693 of 2025.

WMP No. 56758 of 2025

To recall the order dated 24.11.2025 passed in WP.No. 20792 of 2025.

For Petitioner(s) in
WMP.No.56758/2025
WMP No.55583/2025
WMP.No.8057/2026

Mr.Rajnish Pathiyil for Ms.S.Akila
Mr.A.Veerasamy
Mr.S.Srinivasan

For Respondent(s) in all
WMPs:

Mr.P.Harish, Government Advocate for R1 and R2
Mr.N.R.R.Arun Nataraja, Special Government
Pleader (HR and CE) for R3 and R4

Common Order

When the matter came up for hearing on 24.11.2025, this Court passed the following Order:

“The common issue, that arises for consideration, in these petitions is as to whether the permission already granted by the Commissioner (HR and CE) for the sale of property in the year 1959 and 973, can be tested now in view of the order dated 07.06.2021 passed in W.P.No.574/2015 and the clarified order dated 02.06.2023 passed in Rev.Appln.No.169 and 170 of 2021 by the Hon’ble Division bench of this Court by applying the said orders retrospectively.



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2. When a similar issue came before this Court in W.P.Nos.17512 and 17515 of 2023, this Court, vide order dated 14.06.2023, referred the matter to the Specially Constituted Bench to get clarification on the aspect as to whether the aforesaid orders of the Hon'ble Division Bench can be applied retrospectively.

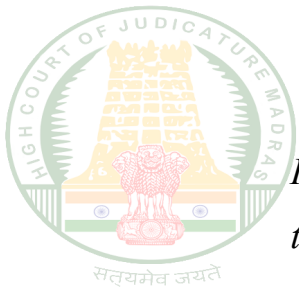
3. Therefore, the Registry is directed to list this matter on 27.11.2025 before the Specially Constituted Bench to get clarification as to whether the aforesaid orders of the Hon'ble Division Bench will be given effect retrospectively.

4. In view of the above, in all the three matters status-quo shall be maintained until further orders.''

2. Today, the learned counsel for the writ petitioner would submit that certain facts are not brought to the knowledge of this Court, particularly, the order passed by the Hon'ble First Bench of this Court dated 28.06.2022 in W.P.No.12697 of 2022, where they have dealt with the judgment of the Suo Motu W.P.No.574/2015, particularly the order passed by the Division Bench in the suo motu writ petition in paragraph No.33 and the same was discussed in Paragraph Nos.7 and 8, which shall read as follows:

“7. In view of the statement aforesaid, we need to analyse the judgment of the Division Bench of this Court in the suo motu writ petition cited supra. The relevant paragraph referred by learned counsel for the petitioner is paragraph 33, which is quoted hereunder for ready reference:

“33. The state Government or the Commissioner of the



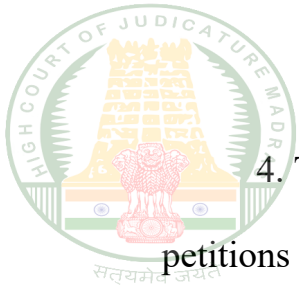
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HR&CE department, who are the Trustee/administrator of the temple lands, shall not alienate or give away the lands contrary to the wish of the donor. The lands shall always remain with the temples. the public purpose theory shall not be invoked in cases of temple lands over which the interest of the community people of the religious denomination generally rests. “

8. Paragraph 33 quoted above restricts alienation or giving away the lands contrary to the wish of the donor and with further observation that the public purpose theory shall not be invoked in cases of temple lands over which the interest of the community people of the religious denomination generally rests. The direction above needs to be analysed in the light of the provision of Section 34 of the Act of 1959 so as the provision of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.’’

3. By referring to paragraph 7 and 8, it would show that the validity of the order passed in paragraph no.33 was considered by the Hon’ble First Bench, which held that since the power of alienation was not conferred upon the the Commissioner under Section 34 of the HR and CE Act, 1959, unless and until Section 34 is declared as null and void, the Court cannot pass any order beyond the scope of the said provision. To that extend, the Hon’ble First Bench clarified. There is no need for any further clarification.



4. These Writ Miscellaneous petitions are disposed of. Post the main writ petitions for final hearing on 10.06.2026. Status-quo shall be maintained in all these three matters.

24-04-2026

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To

1. The Commissioner
Hindu Religious And Charitable Endowments Department, No.119,
Uthamar Gandhi Road, Nungambakkam, Chennai-600 034
2. The Joint Commissioner/executive Officer
Arulmigu Vadapalani Andavar Kovil, Vadapalani, Chennai-600 026
3. The Sub Registrar
Virugambakkam Sub Registrar Office, Arcot Road, Virugambakkam,
Chennai-600 092
4. .The Inspector General Of Registration
No. 100 Santhome High Road, Raja Annamalaipuram, Chennai 60 028.
5. The Commissioner 117 Uthamar Gandhi Salai
Nungambakam, Chennai 600 034.



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KRISHNAN RAMASAMY J.

SK

**WMP No. 55583 of 2025
AND
WMP NO. 8057 OF 2026, WP NO. 20792 OF 2025, WMP NO. 23460 OF
2025, WP NO. 33693 OF 2025, WMP NO. 37805 OF 2025, WP NO. 34886 OF
2025, WMP NO. 56758 OF 2025**

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