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W.P.Nos.34810 of 2023 & 11240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.P.Nos.34810 of 2023 & 11240 of 2024
and W.M.P.Nos.34818 of 2023 & 12334 & 12335 of 2024

[W.P.No.34810 of 2023]

A.Radhakrishnan .. Petitioner
Vs.

1. The Secretary to the Government
Tourism, Culture and Endowments Department
Secretary, Chennai – 600 009.
2. The Secretary to the Government
Revenue Department, Secretariat
Chennai – 600 009.
3. The Commissioner
Hindu Religious & Charitable Endowments Department
119, Nungambakkam High Road
Chennai – 600 034.
4. The Commissioner of Land Administration
Chepauk, Chennai – 600 005.
5. The District Collector
Thiruvannamalai.
6. The Deputy Director of Town and Country Planning
Chepauk, Chennai – 600 005.
7. The Municipal Commissioner
Tiruvannamalai Municipality
Tiruvannamalai.



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8. The Chairman Board of Trustee

Arulmigu Arunachaleswarar Thirukoil
Pavazhakundur, Tiruvannamalai – 606 601.

9. The Joint Commissioner cum Executive Officer

Arulmigu Arunachaleswarar Thirukoil
Pavazhakundur

Tiruvannamalai – 606 601.

.. Respondents

[W.P.No.11240 of 2024]

T.R. Ramesh

.. Petitioner

Vs.

1. The State of Tamil Nadu

Rep. by its Secretary
Tourism, Culture and Religious Endowments Department
Secretariat, Chennai – 600 009.

2. The Commissioner

Hindu Religious and Charitable Endowments Department
Chennai – 34.

.. Respondents

Prayer in W.P.No.34810 of 2023: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, calling for the records pertaining to the order passed by the 1st respondent in G.O.Ms.No.336 dated 14.09.2023 and quash the same; and

Prayer in W.P.No.11240 of 2023: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, to call for the records relating to G.O.Ms.No.336, Tourism, Culture and Religious Endowments (R.E.4-1) Department dated 14.09.2023, issued by the 1st respondent herein, quash the same and consequently direct the respondents to restore the properties and funds misappropriated from Hindu Temples by the 1st and 2nd respondents herein for any of the purposes set out in the said order.

For the Petitioner

in W.P.No.34810 of 2023

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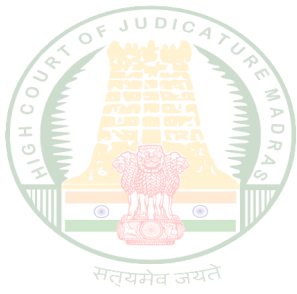
Mr.R.Maruthachalamurthy

For the Respondents

in W.P.No.34810 of 2023

:

Mr.NRR.Arun Natarajan
Spl. Government Pleader
for R1 to R3



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Mr.A.Selvendran
Spl. Government Pleader
for R4 to R7

Petitioner-in-Person
in W.P.No.11240 of 2024 : Mr.T.R.Ramesh

For the Respondents : Mr.NRR.Arun Natarajan
in W.P.No.11240 of 2024 Spl. Government Pleader

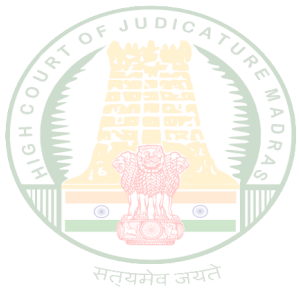
COMMON ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

In our last order dated 13.11.2025, *inter alia*, we have passed the following orders:-

4. *But, it is to be noted that, none of the constructions have been made after getting a nod from the Temple Heritage Commission, because, the said Commission itself has not been constituted, despite the Heritage Commission Act, 2012, has come into effect from 1st March, 2024. Had the Commission been constituted earlier, certainly, these kinds of civil constructions, which were proposed by the Temple Authorities within the Arulmigu Arunachaleswarar Thirukoil at Tiruvannamalai, being a heritage Temple, would have been brought under the purview of the Heritage Commission and the Heritage Commission also would have been in a position to have a detailed inspection of the Temple and thereafter, based on their expertise, a report would have been filed before the Government/HR & CE Department as to whether the Temple Authorities should go ahead with the proposed construction within the Temple premises.*

5. *Since the Commission has not been constituted even till now, even though for which some preparatory works have been undertaken by the*



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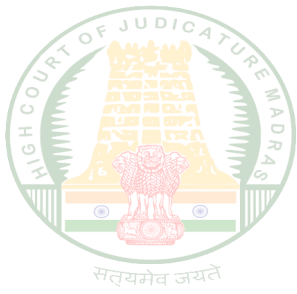


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Government pursuant to, of course, the directions given by our last order dated 09.10.2025, these civil works have been persuaded by getting the permission either from the State Government or from the State Level Expert Committee and Regional Level Expert Committee, constituted pursuant to the orders passed by a Coordinate Bench of this Court.

6. Be that as it may, insofar as any construction which is permanent in nature to be made within the Temple premises of a Temple like Arulmigu Arunachaleswarar Thirukoil at Tiruvannamalai, being a heritage Temple, especially after the Heritage Commission Act, 2012, has come into effect from 1st March, 2024, those constructions should have been permitted by the Heritage Commission, to whom these issues should have been referred. Unfortunately, the Commission had not been immediately constituted even though the said Act has come into effect from 1st March, 2024.

7. Now, an affidavit also has been filed today by the Joint Secretary to Government, Tourism, Culture and Religious Endowments Department, dated 13.11.2025, where, inter alia, it was stated that the Commissioner of Archeology has already been contacted to supply details to nominate two Members, as required under Section 4(1)(m) and (o) of the said Act, who are conversant with Archeology and the list of persons from any Non-Governmental Organizations involved in heritage management and cultural affairs. The Commissioner of Archeology also has given his reply on 03.11.2025 and submitted the details as requested. As per Section 10 of the said Act, necessary action is also taken for sanctioning of the required posts in various categories for the efficient functioning of the Tamil Nadu Heritage Commission. The Rules for the Tamil Nadu Heritage Commission also would be issued shortly and the Heritage Commission will be constituted



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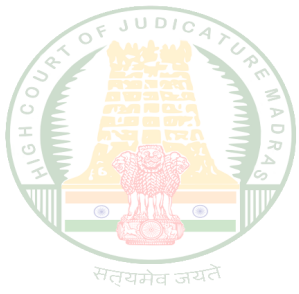
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within three months' period by following due process. These are the averments mainly made in the affidavit filed by the Joint Secretary to the Government.

8. Therefore, some works have been initiated on the side of the Government to constitute the Heritage Commission, yet, the work is not fully completed, for which, they though seek three months' time, we deem it appropriate to grant one month's time to the Government to constitute the Tamil Nadu Heritage Commission and file a report to that effect before this Court.

9. The reason for such time frame made by this Court is that, not only in the Arulmigu Arunachaleswarar Thirukoil at Tiruvannamalai, but in various Temples and Religious Institutions, which are having a huge value in the State of Tamil Nadu, if these kind of constructions or improvements or developmental activities are to be undertaken by the HR & CE Department or anyone, the nod and permission of the Tamil Nadu Heritage Commission since is very much required, earlier constitution of the Commission became imminent. That is the reason why we are inclined to grant only one month's time to the State Government to constitute the Commission.

10. Once the Commission is constituted, this Court may further explore the possibilities of involving the Heritage Commission as to the justifiability of the HR & CE Department/Temple Administration of the Arulmigu Arunachaleswarar Thirukoil at Tiruvannamalai for going ahead with the civil constructions, that too, within the Temple premises itself. Therefore, till such time the Heritage Commission is constituted and further orders to that effect are passed by this Court on the basis of the views to be expressed by the Heritage Commission after having inspected the Temple premises, the civil construction proposed or being undertaken within the Temple premises



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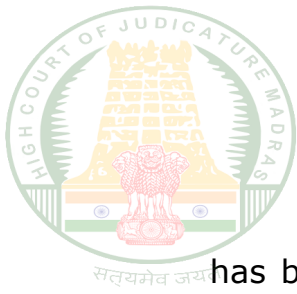
shall not be proceeded further and in this regard, our earlier prohibitory order dated 09.10.2025 shall continue until further orders.

2.1. In response to the said order, when these cases were taken up for further hearing today, *Mr.NRR.Arun Natarajan*, learned Special Government Pleader appearing on behalf of the Hindu Religious and Charitable Endowments¹ Department has filed an affidavit of the first respondent, that is the Secretary to Government, Tourism, Culture and Religious Endowments Department, filed by the Joint Secretary to Government dated 29.01.2026 and also filed typed-set of documents.

2.2. In the typed-set of documents, a copy of the Tamil Nadu Government Gazette Extraordinary notification, published on 26.11.2025, has been filed. It is a Rules called "*The Tamil Nadu Heritage Commission Rules, 2025*". It deals with the tenure, general service conditions of the Chairman and Members of the Commission as well as the Secretary of the Commission, operation of Heritage Commission funds, Budget, accounting of Commission etc.

2.3. A copy of G.O.(Ms)No.496, Tourism, Culture and Religious Endowments (MA-2) Department, dated 16.12.2025, also

¹ For brevity, hereinafter referred as "HR & CE".



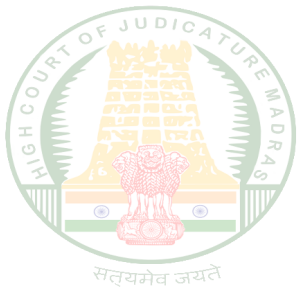
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has been filed, whereby, a Screening Committee, consisting of the following Members, have been constituted:-

1.	Chief Secretary to Government	Chairman
2.	Additional Chief Secretary to Government, Tourism, Culture and Religious Endowments Department	Member
3.	Thiru.S.Rajavelu, Retired Professor, Tamil University, Thanjavur. Advisor-Coordinator (Chief) Archeology, Hindu Religious and Charitable Endowments Department.	Member

2.4. Also, a notification issued by the Government of Tamil Nadu, Department of Archeology, *nil* dated, has been filed, whereby, applications are called for from interested persons within seven days from the date of the publication of the notification for consideration of appointment to the post of Chairman of the Tamil Nadu Heritage Commission.

3. Relying upon these documents, as well as the averments made in the affidavit filed today on behalf of the first respondent, the learned Special Government Pleader would seek further time of three months to complete the formation of the Commission in full form.



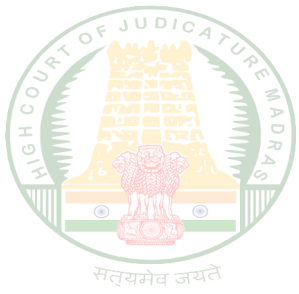
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4. We have also heard *Mr.T.R.Ramesh*, party-in-person in W.P.No.11240 of 2024.

5. In fact, in our last order dated 13.11.2025, we, after having gone through the earlier proceedings as well as the request that was made before us on behalf of the HR & CE Department, have granted one month's time to the State Government to constitute the Heritage Commission. That one month's period was over by 13.12.2025 itself, however, even till date, the work done either by the HR & CE Department or by the Archeology Department of the State of Tamil Nadu is only to issue the Tamil Nadu Heritage Commission Rules, 2025, as stated *supra*, on 26th November, 2025 and constituted a Screening Committee consisting of Officials on 13th December, 2025.

6. Even though it was claimed that a notification, *nil* dated, was issued in the website of the Department of Archeology, when we tried to get access to the said website, that is "www.tnarch.gov.in", even we could not get access to the said website.



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7. However, it is stated by the learned Special Government Pleader appearing for the HR & CE Department, on instant instructions from the Officials concerned, that, the notification has been uploaded in the website of the Archeology Department of the Government of Tamil Nadu on 19.01.2026 and within a week's period, as only seven days were given to make applications, they received five applications.

8. No details about the applications have been stated before us. Since there has been no date mentioned in the notification, it cannot be stated from which date the seven days' period should be calculated. Moreover, the very website address given by them could not be reached generally, as even our technical team in the Court Hall though tried to reach the website, we could not make it.

9. Normally, these kind of notifications must have wide publicity throughout the State, as it is the first of its kind of constituting a State Heritage Commission, to be headed by a Chairman who must be an eminent person in the concerned field. Therefore, apart from the notification being uploaded in the website of the Archeology Department, it also has to be published widely



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through newspapers having wide circulation throughout the State.

Unless such publications are given to the notification inviting applications from the eminent persons who are interested to be the Head of the Tamil Nadu Heritage Commission, which is a full-time job for at least three years, expected results cannot be achieved, as many number of eminent persons would be missing the opportunity of making an application pursuant to the notification.

10.1. In view of the same, we deem it appropriate to give directions to the respondent HR & CE Department and also the Archeology Department of Government of Tamil Nadu, which are coming under the administrative Head of the Secretary to the Government, that is the first respondent herein, to take steps to publish the notification, inviting applications from eminent persons for the post of Chairman of the Tamil Nadu Heritage Commission, in four leading Tamil Dailies and two leading English Dailies, having wide circulation over the State of Tamil Nadu (State Edition).

10.2. Such a publication should be issued within seven days from today. At least two weeks' time must be given for the eminent persons to respond by making applications and such applications must be self-format applications, providing details about the



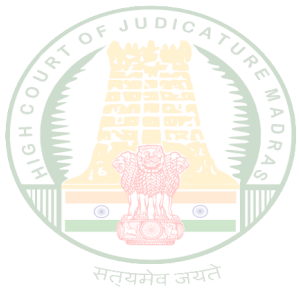
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individual eminent persons with supporting documents, if any.

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10.3. On closing of the fifteen days' time, after receipt of the applications from the eminent persons, the same shall be scrutinized and the shortlisting of the applications shall immediately be undertaken by the Screening Committee constituted under G.O. (Ms)No.496 dated 16.12.2025 and at least the names of three such shortlisted eminent persons, i.e. best chosen among the applicants, be put in a sealed cover and be placed before this Court on the next date of hearing.

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.



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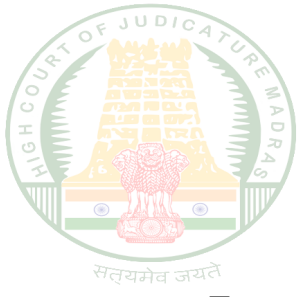
10.5. These of our orders shall not be misunderstood that, the restrictions being made in respect of civil constructions within or outside the heritage structure or temples shall also be applicable to performing festivals, which includes kumbhabhishekam and samprokshanam, in any Temples under the HR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

11. For the aforesaid compliance, as directed hereinabove and to file a compliance report with the three shortlisted candidates of eminent persons in a sealed cover, post these matters on 05.03.2026.

(R.S.K., J.) (S.S., J.)
29.01.2026

Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
Index: Yes/No

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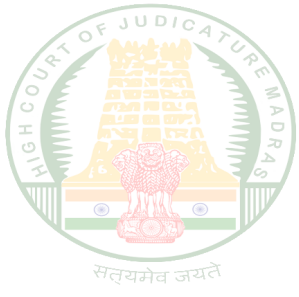


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To:

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R. SURESH KUMAR, J.
AND
S. SOUNTHAR, J.

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