



WP(MD). No.23177 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Monday, the Twenty Fifth day of August Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN

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K.Balasubrahmanyam

... Petitioner

Vs

- 1 Principal Secretary To Government,
Tourism,Culture and Religious Endowments Department,
Chennai 600 009.
- 2 The Secretary
Ministry of Culture, 502- C Wing, Shastri Bhawan,
New Delhi - 110001.
- 3 The Commissioner,
HR and CE Department , Chennai 600 034.
- 4 Director of Fire and Rescue Services,
Egmore, Chennai - 8.
- 5 Regional Director - South Zone,
Archaeological Survey of India,
Bangalore,
- 6 The Commissioner
Department of Archaeology, Chennai 600 008.



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7 Executive Officer
Shri Nelliappar Temple,
162, E Car Street,
Tirunelveli 627 006.

8 The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Opposite Oriental Bank, Trivandrum High Road,
Palayamkottai, Tirunelveli 627 002. ... Respondents
(R8 is suo motu impleaded vide court order dated 25/08/2025)

Prayer :-

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 6th respondent to declare Shri Nellaiyappar Temple, Tirunelveli, as an Monument of National Importance, Under Section 4 of the Ancient Monuments and Archeological sites and Remains Act 1958, and take over the Shri Nellaiyappar Temple, Tirunelveli or to pass such further or other orders as this Honble court.

ORDER:- This Writ Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support there of and upon hearing the arguments of Mr.Vadiraj Anirudh S.G., Advocate for the Petitioner and of Mr.J.Ashok, Additional Government Pleader for Respondents 1,3,4,6 and of Mr.S.Madhavan, Advocate for the 7th Respondent , this Court made the following order:

Mr.J.Ashok, learned Additional Government Pleader, takes notice for

the respondents 1, 3, 4 & 6 and Mr.S.Madhavan, learned counsel, takes notice for the

<https://www.mhc.tn.gov.in/judis>



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seventh respondent.

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2. As per Section 77 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, any lease or mortgage in respect of the monuments, sculptures inside the temple is null and void. Thus, the authority, who granted lease or let out the portion of the religious institution for rent, is responsible and accountable and they must be subjected to disciplinary proceedings and prosecution as they have not only offended the religious sentiments, but also violated the provisions of Section 77 of the of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

3. In view of the facts and circumstances of the case, the Joint Commissioner, Hindu Religious and Charitable Endowments, Opposite Oriental Bank, Trivandrum High Road, Palayamkottai, Tirunelveli-627 002, is *suo motu* impleaded as a party respondent in this writ petition.

4. Registry is directed to carry out impleadment.

5. Mr.J.Ashok, learned Additional Government Pleader, takes notice for the newly impleaded Joint Commissioner.

6. In view of the above, the newly impleaded Joint Commissioner, Hindu Religious and Charitable Endowments, Tirunelveli, is directed to be present before this Court on 26.08.2025 at 10.30 a.m., and explain as to how commercial shops are



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permitted inside the Arulmigu Nellaiyappar Temple, Tirunelveli, more specifically
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in Udan Mandapam, which is architecturally designed and an ancient mandapam.

7. Learned Government Pleader appearing for the respondents 1, 3, 4, 6 & 8, is directed to inform this order to the Joint Commissioner immediately either over phone or through any other electronic mode of communication.

8. Post on 26.08.2025.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

To

1 Principal Secretary To Government,
Tourism,Culture and Religious Endowments Department,
Chennai 600 009.

2 The Secretary
Ministry of Culture, 502- C Wing, Shastri Bhawan,
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8 The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Opposite Oriental Bank, Trivandrum High Road,
Palayamkottai, Tirunelveli 627 002.

Copy to:

1.The Additional Government Pleader,
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT,
Madurai

2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.VADIRAJ ANIRUDH, Advocate (SR-9145[I] dated 25/08/2025)



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ORDER DATED : 26/08/2025

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ORDER

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Giving direction and etc.
as stated within.

AVK/25.08.2025 6P/12C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023