



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 20434 of 2024

S.Jagan Somasundaram

..Petitioner

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department, Nungambakkam
High Road, Chennai -600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Vellore, Tamil Nadu – 632012.
3. Inspector HR and CE,
Hindu Religious and Charitable Endowments,
Poonamalle.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, calling for the records relating to the orders passed by the 2nd respondent in Se.Mu.Na.Ka. No. 2909/2024/A2 dated 28.06.2024 and quash the same.

For Petitioner:

Mr.Sharath Chandran
for T.E.Krishna
M/s.G.R.Associates

For Respondent(s):

Mr.N.R.R.Arun Natarajan
Special Government Pleader



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ORDER

This Writ Petition No.20434 of 2024 is filed challenging the order of suspending the petitioner from the office of the hereditary trusteeship pending enquiry. The charge memo containing totally 9 charges is also issued and the enquiry is under progress. The contention of the petitioner is that as per section 53(1)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Hereinafter referred as 'the Act'), if the temple is one included in the list published under clause (ii) of Section 46 of the Act, then it is only the Commissioner who has the power to suspend. The order of suspension is without jurisdiction and as such is liable to be quashed.

2. The second Writ Petition in W.P.No.2066 of 2026 is filed aggrieved by the fact that, in between the Kumbhabhishekham is now being conducted and the ceremonies are starting today evening and the main Kumbhabhishekham is on 28.01.2026.

3. The learned counsel for the petitioner submits that originally the procedure for conducting Kumbhabhishekham was laid down by the Hon'ble Division Bench in W.P.No.574 of 2015 wherein directions have been given. Even under the said directions only after the completion of the entire works, the



Kumbhabhishekham can be conducted. In this case, the works are still pending and are being carried on till the last minute. Thereafter, another Division Bench considered the issue of conduct of Kumbhabhishekham in W.P(MD) No.5596 of 2025 etc and it had categorically held that in all cases, the practice of prefixing the date of Kumbhabhishekham shall be stopped and secondly the Authorities have to approach the Department of Civil Engineering, IIT Madras and only after getting their nod, the process can be further continued. The said order of the Division Bench is violated in the instant case. Therefore, for want of completion of works as well as for the violation of the Division Bench order, the Kumbhabhishekham cannot proceed further and therefore this Court should stay the Kumbhabhishekham.

4. Per contra, Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader would submit that in both these cases if opportunity is granted, a detailed counter affidavit will be filed bringing to light the factual and the legal position on record. In the meanwhile, as far as the suspension is concerned, the learned counsel would point out Section 53(c) of the Act, whereunder hereditary Trustee is separately mentioned and in respect of hereditary Trustees, the clause (b) of Section 53 of the Act cannot be pressed into service as far as the charges are concerned.

5. According to the learned Special Government Pleader, the charges are



serious in nature. Several of the charges have been fairly admitted by the petitioner himself in the Writ Petition challenging the order of suspension. In view thereof, he is rightly been suspended and therefore there is no *prima facie* case in the said writ petition. As far as the second Writ Petition is concerned, the learned Special Government Pleader would submit that the Kumbhabhishekham is conducted by following all the due procedure.

6. The learned Special Government Pleader would take this Court through the works which are needed to be done at the time of renovation and submit that all the important works in the main Sannadhi, Raja Gopuram etc are all now completed. What is remaining is only the work of herbal coating on the paintings. Even that is being completed. Therefore it is factually incorrect to say that the works are not completed. As far as the violation of the later Division Bench is concerned, the learned counsel would say that for the kind of works that are undertaken in the present temple no distress mapping by the IIT, Madras is required. Secondly those directions will not apply in every factual scenario for all the temples.

7. Considered the rival submissions made on either side and perused the material records of the case. As far as the conduct of the Kumbhabhishekham is concerned, *prima facie* from the description of the work and the submission made by the learned Special Government Pleader, I am satisfied that no



essential work is still pending, so that the Kumbhabhishekham has not to be postponed. As far as the violation of the Division Bench order is concerned, in the case before the Division Bench in *sivasubramaniam* cited supra in paragraph 27, it is categorically stated that the respondents themselves have gone before the IIT for the purpose of distress mapping. There after the same was also considered in paragraph 31 and the directions which are general in nature not confined to that case are passed in paragraphs 32. The entire paragraph 32 is extracted here under for ready reference.

“32. For the reasons stated supra, the following guidelines are issued:

i. The practice of pre-fixing the date of Kumbabishekam shall be stopped forthwith;

ii. Before starting the renovation work, the temple shall obtain a report of distress mapping and detailed project report from the Department of Civil Engineering, IIT Madras. After completion of work of distress as stated in the reports, the certificate of fitness shall be obtained from the Department of Civil Engineering, IIT Madras

iii. Then the temple shall obtain the certificate of completion from the State Expert Committee consisting of body of Structural Engineering Expert, Archaeological Expert, Conservation Expert, Traditional Stapathi and Two Agama Experts, as per the directions



issued in W.P.No.574 of 2015 of this Court; After which, the date of Kumbabishekam shall be fixed and conducted.

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iv. *The donor's work shall be taken but the said donor ought to carry on the work under the supervision of the State Expert Committee alone or before the team deputed by such Committee.*

v. *While carrying out such renovation works in the Temple, heavy machineries shall not be used. The materials and chemicals permitted by the Department of Civil Engineering, IIT Madras, alone shall be used;*

vi. *The above directions shall be followed while doing repair, renovation work and kumbabhishekam of all temples in Tamil Nadu;*

vii. *In the present case, the IIT Professors have given the remarks and recommendations and the same shall be carried out and completed without any further delay. After completing the renovation works, the temple is directed to obtain the certificate of fitness from Department of Civil Engineering, IIT Madras and the certificate of completion from State Expert Committee and display the same in the temple. Only upon completion of the above two procedures, kumbabhishekam shall be conducted."*

8. *Prima facie*, on a reading thereof it cannot be said that it is only for the particular case, however what remains to be seen is that what is meant by distress mapping and under what circumstances, the authorities have to



approach the IIT. If the given temple is in a fit condition and if only minimal work like painting are done, whether during the Kumbhabhishekham of that temple also, the Authority should go to the IIT Madras remains to be seen. The same can be decided only in the main Writ Petition after completion of pleadings. In this case, since the matter is urgently taken up as the Kumbhabhishekham is starting today and is going to be completed by 28th of this month, this interim order is passed. *Prima facie*, I am not inclined to accept the prayer of the learned counsel for the petitioner to stop the Kumbhabhishekham at the last minute. As a repeatedly held by this Court when temple festivals such as Kumbhabhishekham are conducted, it is also a matter of huge faith and unless very strong grounds are made out, Courts at the last moment will not interdict into the same and stop the Kumbhabhishekham.

9. As far as the suspension of the petitioner is concerned, the learned Special Government Pleader requested time to file a counter affidavit. However section 53 is extracted here under for ready reference.

53. Power to suspend, remove or dismiss trustees.—(1) In

this

section, the expression, “appropriate authority” shall, unless the context

otherwise requires, means—

[(a) in respect of any trustee of any religious institution included in



the list published under clause (iii) of section 46, 3[the Government] ;

[(b) in respect of any trustee of any religious institution included in the list published under clause (ii) of section 46; the Commissioner];

(c) in respect of any trustee of any religious institution included in the list published under clause (i) of section 46 and in respect of any hereditary trustee of any religious institution not included in the list published under the said section 46, 1[the Joint / Deputy Commissioner].

(d) in respect of any non-hereditary trustee of any religious institution not included in the list published under section 46 2[the Assistant Commissioner].

[(1-A) Notwithstanding anything contained in sub-section (1) for the purpose of this section, the Government shall also by the appropriated authority in respect of any trustee of any religious institution.]

(2) The appropriate authority may suspend, remove or dismiss any trustee, if he—

(a) ceases to profess the Hindu religion ; or (b) fails to discharge the duties and perform the functions of a trustee in accordance with the provisions of this Act or the rules made thereunder ; or

(c) disobeys the lawful orders issued under the provisions of this Act or the rules made thereunder by the Government, 4[* * * *] the Commissioner, 5[or the Joint Commissioner or Deputy Commissioner] or the Assistant Commissioner ; or*

(d) continuously neglects his duty or commits any malfeasance, misfeasance or breach of trust, in respect of the trust ; or

(e) misappropriates or deals improperly with the properties of the institution ; or

(f) is of unsound mind or is suffering from other mental defect or



infirmity which would render him unfit to perform the functions and discharge the duties of a trustee or is suffering from leprosy or other loathsome disease ; or

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(g) is sentenced by a criminal Court for an offence involving moral delinquency, such sentence not having been reversed or the offence pardoned ; or

(h) is an undischarged insolvent ; or

(i) is interested in a subsisting lease of any property of, or contract made with or any work being done for, the religious institutions or endowment;

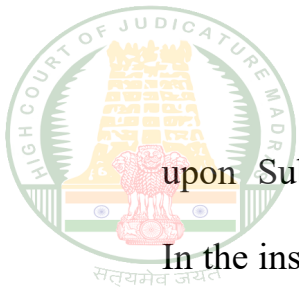
(ii) is in arrears or default of any kind due by him to the religious institution ; or endowment;

(j) acts adversely to the interests of the institution ; or

[(jj) willfully fails to pay the contribution payable under sub-section (1) of section 92 or the further sum payable under sub-section (2) of section 92 within the time allowed by or under clause (b) of sub-section (2) of section 94 ; or

(k) absents himself from three consecutive meetings of the trustees

10. A reading of section 53(1)(b) it is very clear that if a temple is listed under Clause (ii) of section 46, then the power is only with the Commissioner to suspend the trustee. The learned Special Government Pleader wants to make a distinction between Trustee and hereditary Trustee and would rely upon section Section 56(1)(c) of the Act in that regard. A reading of section 56(1)(c) of the Act clearly mentions about hereditary Trustees in respect of religious Institutions not included in the list published under Section 46 of the Act. Once the temple is included in the list published under Section 46 of the Act, then depending

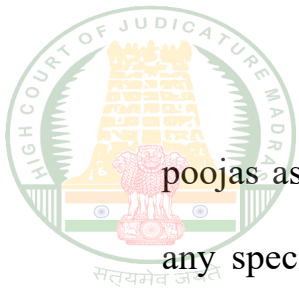


upon Sub-section (i), (ii) or (iii), Section 56(a), (b) or (c) of the Act will apply.

In the instant case, it is only Section 46 (ii) of the Act and therefore *prime facie*,

I am of the opinion that Commissioner alone has the power. However, the Writ petition is not finally disposed of because time is prayed on behalf of the learned Special Government Pleader. In the normal circumstances the Court would adjourn the matter but when the petitioner is a hereditary Trustee and their family is taking care of the temple, when the Kumbhabhishekham is conducted, this Court cannot simply adjourn the matter also. Therefore by balancing the rights of the parties, the following interim order is granted in W.P.No.20434 of 2024 without prejudice to the further contentions of the parties. While granting the interim order, I have also considered the nature of all the 9 charges that is levelled against the petitioner. There is no any charge of corruption or misappropriation of funds. Though Charge No.6 would point out a finger to one Thaneer Malai who is the assistant of the petitioner in collecting the money in his own account that can be viewed seriously. The petitioner has not taken stern action against the Thaneer Malai. The factual aspects are to be proved during the enquiry. The above is kept in the background. In that scenario the following interim order is passed,

11. For the limited purpose of the only participating and not conducting the Kumbhabhishekham, the petitioner will be deemed to be hereditary Trustee. The petitioner and his family members shall participate in the rituals and other



poojas as if they are the hereditary Trustee and the family. They cannot claim any special right to conduct the proceedings. It will be conducted by the fit person himself and the Departmental Officials as per the original programme.

12. All concerned shall act on the web copy of the order without waiting for the certified copy.

13. It is made clear all the observations are made only for the purpose of the above interim order and the Court will consider the issue afresh when the Writ petition is argued finally. The counter if any shall be filed on or before 05.02.2026 and rejoinder shall be filed on or before 12.02.2026.

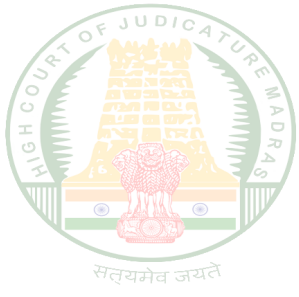
14. Post the W.P for final hearing on 16.02.2026.

23-01-2026

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To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department, Nungambakkam High Road, Chennai -600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments, Vellore, Tamil Nadu –
632012.
3. Inspector HR and CE,
Hindu Religious and Charitable Endowments, Poonamalle.



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D.BHARATHA CHAKRAVARTHY, J.

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