

W.A. No.3103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

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CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. No.3103 of 2025
and
C.M.P. No.25262 of 2025

Dr.K.J.Renuka

... Appellant

Vs.

- 1.Dr.K.Raghavendhar Karthik, M.D.S.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Park Town, Chennai – 600 003.
- 3.The Executive Engineer,
Zone 10, Greater Chennai Corporation,
No.117, NSK Salai, Kodambakkam,
Chennai – 600 024.
- 4.The Zonal Officer,
Zone 10, Greater Chennai Corporation,
No.117, NSK Salai, Kodambakkam,
Chennai – 600 024.



W.A. No.3103 of 2025

5.The Area Engineer,
Greater Chennai Corporation,
Division 142, No.2/12,
West Jones Road, West Saidapet,
Chennai – 600 015.

6.Sri Prasanna Venkata Narasimma Perumal Temple
rep. By its Managing Trustee
Mr.A.Madanagopal Chettiar,
Perumal Koil Street, West Saidapet,
Chennai – 600 015.

7.The Commissioner,
HR and CE Board,
Nungambakkam High Road, Chennai – 34.

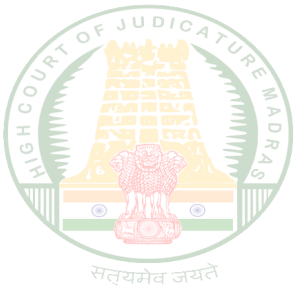
8.The Sub Registrar (Joint II),
Saidapet, Chennai – 600 015.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order
dated 26.06.2024 passed in W.P.No.10813 of 2024.

For Appellant : Mr.Vineet Subramani
for Mr.N.J.Sagayaraj

For Respondents : Mr.A.Muthukumar
for Mr.T.G.Balachandran for R1
Mr.D.B.R.Prabhu for R2 to R5
Mr.V.Raghavachari,
Senior Counsel
for Mr.L.Dhamodharan for R6
Mr.N.R.R.Arun Natarajan,



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W.A. No.3103 of 2025

Special Government Pleader
(H.R. & C.E.) for R7
Mr.U.Baranidharan,
Special Government Pleader for R8

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Under assail is writ order dated 26.06.2024 passed in W.P.No.10813 of 2024. Writ appellant is not a party to the writ proceedings and by securing leave from this Court instituted the present intra-court appeal.

2. The first respondent filed writ proceedings seeking a direction to the Sub Registrar (Joint II), Saidapet, Chennai - 15 to register the lease deed submitted on 03.11.2023. Writ Court disposed of the writ petition by directing Sub Registrar to register the document within a period of seven days from the date of receipt of a copy of the order. Having aggrieved, appellant would submit that lease deed has been improperly drafted, term of lease has not been mentioned and the lease amount is also meagre and not commensurate with the market rent prevailing in that locality. Thus, lease deed registered



W.A. No.3103 of 2025

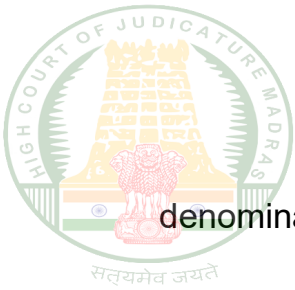
would cause loss to sixth respondent temple viz., Sri Prasanna Venkata

Narasimma Perumal Temple and the temple is receiving public contribution

and therefore, the appellant has chosen to file present writ appeal.

3. Learned counsel for appellant would submit that even in denomination temple, in the event of mal-administration, illegality or irregularity, State is empowered to interfere and initiate appropriate actions under the provisions of Statutes and Rules in force. In the present case, appellant submitted several complaints stating that 140 housing properties, 40 commercial properties in Saidapet Taluk, Chennai and 100 properties at Solavaram belongs to the 6th respondent/Temple are identified. The details provided by appellant have not been responded nor any action has been initiated by Hindu Religious and Charitable Endowments Department.

4. Learned senior counsel appearing on behalf of sixth respondent temple would oppose by stating that temple/6th respondent is a denominational temple and they have got a right to administer. In respect of a



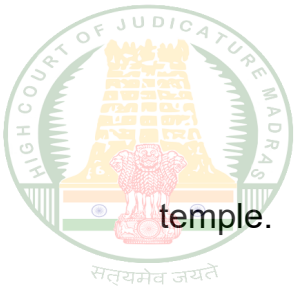
W.A. No.3103 of 2025

denominational temple, right to administer is conferred under Article 26 of the

Constitution of India. Right to administer will not include mal-administration.

This being the legal principles settled by Constitution Bench of Hon'ble Supreme Court of India, in the event of any mal-administration, State is empowered to step in and initiate appropriate actions. Learned senior counsel for sixth respondent would submit that public contributions have not been accepted by the temple administration. Since it is disputed, said factum is to be ascertained by the competent authorities of Hindu Religious and Charitable Endowments Department.

5. Learned Special Government Pleader would submit that during earlier round of litigation, the very same ground that no public contribution has been received by the temple has been raised. However, writ Court held that temple received public contributions, which was subsequently confirmed by Division Bench of this Court. Therefore, subject temple assumes character of a 'public institution' and the State is duty bound to step in, in the event of any mal-administration or illegality in dealing with the properties belonging to



W.A. No.3103 of 2025

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6. This Court heard the rival submissions made between the parties to the *lis*.

7. Regarding mal-administration/illegality in dealing with the properties, reports have been filed by the authorities of Hindu Religious and Charitable Endowments Department before this Court. Right to administer religious institution is protected under the Article 26 of Constitution of India. However, allegations regarding mal-administration, illegality in dealing with properties, if any, may be dealt with by the State under the provisions of the Act and Rules. In the present case, the Joint Commissioner, Hindu Religious and Charitable Endowments Department filed reports citing mal-administration and irregularities.

8. However, learned counsel for appellant would submit that several other illegalities and allegations placed by the appellant before the Hindu Religious and Charitable Endowments Department are yet to be addressed.



W.A. No.3103 of 2025

As far as writ order impugned is concerned, subject lease deed itself is challenged on the ground that it is not a new lease but renewal of lease causing detriment to the interest of the temple's income. That being so, these allegations are to be enquired into and the interest of the institution is to be protected by the State. However, right to administer religious institution and religious practices are to be protected and the Hindu Religious and Charitable Endowments Department is not empowered to interfere with the religious practices prevailing in the temple. In respect of dealing with properties and financial irregularities, Hindu Religious and Charitable Endowments Department is bound to conduct inspection/enquiry and initiate all appropriate actions by following the procedures and by affording opportunity to all the parties, since contributions/donations are being received from general public.

9. Appellant or any other devotee is at liberty to submit details regarding the properties, irregularities, illegalities or mal-administration etc., In the case of ***Marua Dei and Others vs. Muralidhar Nanda and Others***¹, the Hon'ble Supreme Court of India laid down tests to ascertain whether the religious

¹ (1999) 1 SCC 377



W.A. No.3103 of 2025

institution assumes public character so as to declare it as public institution and

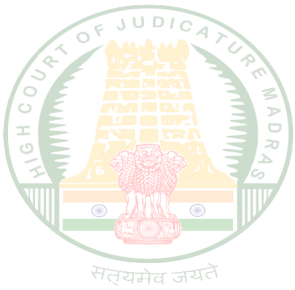
State will have authority to initiate all appropriate actions. Paragraph No.22 of

the judgment reads as under:

“22. In *Goswami Shri Mahalaxmi Vahuji Vs. Rannchoddas Kalidas & Ors*². this Court, after considering the earlier decisions on this aspect, held as follows:-

“Though most of the present day Hindu public temples have been found as public temples, there are instances of private temples becoming public temples in course of time. Some of the private temples have acquired great deal of religious reputation either because of the eminence of its founder or because of other circumstances. They have attracted large number of devotees. Gradually in course of time they have become public temples. Public temples are generally built or raised by the public and the deity installed to enable the members of the public or a section thereof to offer worship. In such a case the temple would clearly be a public temple- If a temple is proved to have originated as a public temple, nothing more is necessary to be proved to show that it is a public temple but if a temple is proved to have originated as a private temple or its origin is unknown or lost in antiquity then there

² [1970 (2) SCR 275



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W.A. No.3103 of 2025

must be proof to show that it is being used as a public temple. In such cases the true character of the particular temple is decided on the basis of various circumstances. In those case the courts have to address themselves to various questions such as:-

(1) Is the temple built in such imposing manner that it may prima facie appear to be a public temple?

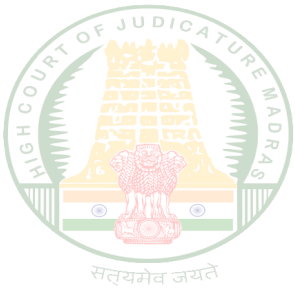
(2) Are the members of the public entitled to worship in that temple as of right?

(3) Are the temple expenses met from the contributions made by the public?

(4) Whether the saves end utsavas conducted in the temple are those usually conducted in public temples?

(5) Have the management as well as the devotees been treating that temple as a public temple?

16. Though the appearance of a temple is a relevant circumstance, it is by no means a decisive one. The architecture of temples differs from place to place. The circumstance that the public or a section thereof have been regularly worshipping in the temple as a matter of course and they can take part in the festivals and ceremonies conducted in that temple apparently as a matter of right is a

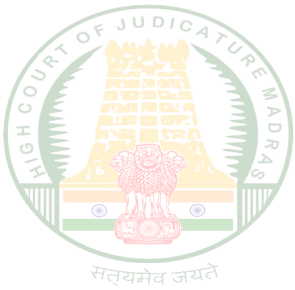


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W.A. No.3103 of 2025

strong piece of evidence to establish the public character of the temple. If votive offerings are being made by the public in the usual course and if the expenses of the temple are met by public contribution, it is safe to presume that the temple in question is a public temple. In brief the origin of the temple, the manner in which its affairs are managed, the natura and extent of gifts received by it, rights exercised by the devotees in regard to worship therein, the consciousness of the manager and the consciousness of the devotees themselves as to the public character of the temple are factors that go to establish whether a temple is a public temple or a private temple. In Lakshmana V. Subramania the Judicial Committee was dealing with a temple which was initially a private temple. The Mahant of this temple opened it on certain days in each week to the Hindu public free to worship in the greater part of the temple, and on payment of fees in one part only. The income thus received by the Mahant was utilised by him primarily to meet the expenses of the temple and the balance went to support the Mahant and his family. The Privy Council held that the conduct of the Mahant showed that he had held out and represented to the Hindu public that the temple was a public temple at which all Hindus might worship and the inference was, therefore, that he had dedicated it to the public. In [Mundancheri Koman v.](#)

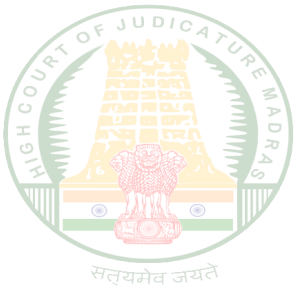


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W.A. No.3103 of 2025

Achutan Nair, the Judicial Committee again observed that the decision of the case would depend on the inferences to be derived from the evidence as to the way in which the temple endowments had been dealt with and from the evidence as to the public user of the temples. Their Lordships were satisfied that the documentary evidence in the case conclusively showed that the properties standing in the name of the temples belonged to the temples and that the position of the manager of the temples was that of a trustee. Their Lordships further, added that if it had been shown that the temples had originally been private temples they would have been slow to hold that the admission of the public in later times possibly owing to altered conditions would affect the private character of the trusts. In Deoki Nandan V. Murlidar, this Court observed that the issue whether a religious endowment is a public or a private one is a mixed question of law and fact, the decision of which must depend on the application of legal concepts of a public and private endowment to the facts found. Therein it was further observed that the distinction between a public and private endowment is that whereas in the former the beneficiaries, which means the worshippers are specific individuals and in the later the general public or class thereof. In that case the plaintiff sought to establish the true scope of the dedication from the user of the temple by the



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W.A. No.3103 of 2025

public. In Narayan Bhagwant Rao Gosavi Balajiwale v. Gopal. Vinayak Gosavi & Ors., this Court held that the vastness of the temple, the mode of its construction, the long user of the public as of right, grant of land and cash by the Rulers taken along with other relevant factors in that case were consistent only with the public nature of the temple."

The above judgment was followed by this Court in Pratapsinhji N.Desai (supra).'

10. In view of above facts and circumstances, this Court is inclined to issue the following directions:

(1) Commissioner, Hindu Religious and Charitable Endowments Department, Chennai is directed to appoint an officer not below the rank of Additional Commissioner to conduct a comprehensive inquiry into allegations in respect of properties, financial irregularities raised by the parties and other allegations and initiate all appropriate actions by following the procedures as contemplated and by affording opportunity to all the parties.

(2) Commissioner, Hindu Religious and Charitable Endowments Department is directed to examine the facts and status prevailing in the subject temple in the context of the test contemplated by Hon'ble Supreme Court in **Marua Dei's**



W.A. No.3103 of 2025

case cited *supra* and initiate appropriate actions. After ascertaining these facts, Commissioner shall proceed against the temple in the manner contemplated under the provisions of the Act and Rules framed thereunder in the event of any mal-administration, illegality or irregularity.

(3) Commissioner, Hindu Religious and Charitable Endowments Department is directed to complete the inquiry in all respects within a period of four (4) months from the date of receipt of a copy of this order. Till such time Commissioner takes a decision and pass orders, no further alienation/lease of property or creation of any interest is to be made by the temple administration.

(4) Accordingly, impugned writ order dated 26.06.2024 in W.P.No.10813 of 2024 is set aside and the Writ Appeal stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
17.11.2025

Index:Yes/No

Neutral Citation:Yes/No

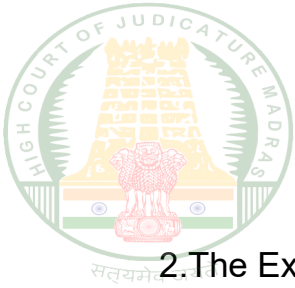
Speaking Order: Yes/No

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To

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Page 13 of 16



W.A. No.3103 of 2025

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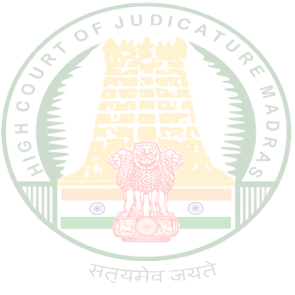
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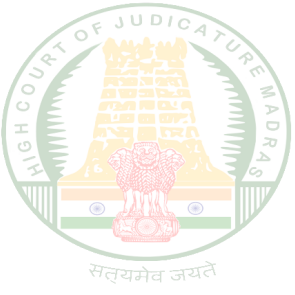


W.A. No.3103 of 2025

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W.A. No.3103 of 2025



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W.A. No.3103 of 2025

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