



# ACQUISITION OF TEMPLE LANDS

G. KANNIGA SHREE, Dr. P. Brinda,

LLM 1<sup>ST</sup> YEAR, ASSOCIATE PROFESSOR

THE TAMILNADU Dr. AMBEDKAR LAW UNIVERSITY, SCHOOL OF EXCELLENCE IN  
LAW

## Abstract:

The acquisition of temple land involves legal and administrative considerations to ensure the protection and proper utilization of properties belonging to religious institutions. Notable rulings by the Supreme Court of India and various High Courts have established that temple land is legally owned by the deity, under the supervision of relevant authorities such as the Devsthan Department. Compensation for acquired temple land must benefit the temple and its deity, as overseen by relevant authorities like the Devsthan Department. Land acquisition for public purposes, including temple development and tourism, is governed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013. These regulations aim to balance development needs with the preservation of religious properties, ensuring their continued benefit to the community.

## Keywords:

Deity ownership, Devsthan Department, Temple land acquisition, Public purpose, Compensation Right to Fair Compensation and Transparency in Land Acquisition Act, Supreme Court rulings

## Introduction:-

**“Temple is a place that symbolizes common values through the worship of various deities”**

According to **Section 6(20)** of the Hindu Religious and Charitable Endowments (HR&CE) Act defines, “a temple is a place of public religious worship that is dedicated to, or used for the benefit of, or used as of right by, the Hindu community or a section of the community”<sup>1</sup>. Thus, temple land cannot be sold or purchased by anyone”.

According to **Section 6(13)** of the Hindu Religious and Charitable Endowments (HR&CE) Act defines, “math” means a Hindu religious institution with properties attached thereto and presided over by a person, the succession to whose office devolves in accordance with the direction of the Founder of the institution or is regulated by usage<sup>2</sup>

According to **Section 6(17)** of the Hindu Religious and Charitable Endowments (HR&CE) Act defines, “Religious institution” means a math, temple or specific endowment and includes, (i) a samadhi or brindhavan; or (ii) any other institution established or maintained for a religious purpose.

<sup>1</sup>S. Rajaraman, Commentaries on The TN Hindu Religious And Charitable Endowments Act, 1959, Reprint- 2009, Pg No.35.

<sup>2</sup> (i) whose duty it is to engage himself in imparting religious instruction or rendering spiritual service; or (ii) who exercises or claims to exercise spiritual headship over a body of disciples; and include places of religious worship or instruction which are appurtenant to the institution;

Explanation. — Where the headquarters of a math are outside the State but the math has properties situated within the State, control shall be exercised over the math in accordance with the provisions of this Act, in so far as the properties of the math situated within the State are concerned.

According to **Section 6(22)** of the Hindu Religious and Charitable Endowments (HR&CE) Act defines, “Trustee” means any person or body by whatever designation known in whom or in which the administration of a religious institution is vested and includes any person or body who or which is liable as if such person or body were a trustee;

The acquisition of temple land in India encompasses a complex interplay of legal, cultural, and administrative dimensions. Temples, as significant religious and cultural landmarks, often hold vast tracts of land and immovable property, which are legally owned by the deities they enshrine. This unique ownership framework has led to a series of judicial interpretations and legislative measures designed to safeguard the interests of these religious entities and their assets. The Supreme Court of India, along with various High Courts, has laid down key judgments affirming that the property of public temples is to be regarded as belonging to the deity. This principle ensures that any acquisition or management of temple land must prioritize the deity's interests, with governmental or custodial roles being secondary. Additionally, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, provides a legal foundation for land acquisition, ensuring that it serves public purposes such as development, tourism, and infrastructure projects, while also ensuring fair compensation and transparency. The processes and policies surrounding temple land acquisition aim to balance development needs with the preservation of religious properties. They are designed to ensure that the benefits derived from such lands are channeled back into the upkeep and service of the temple and its community. This introduction sets the stage for a deeper exploring the legal, cultural, and societal implications of temple land acquisition in India.

## **Historical background of Establishment and Management of Temple**

“Tholkappiam”, the ancient Tamil work states that in ancient Tamil Nadu situated between the Venkadam hills in the north and Kumari (Kanyakumari) in the south, the gods Mayon (Vishnu) presiding deity for Mullai land (forests), Seyon (Murugan alias Subramaniam) presiding deity for Kurunji land (Hills), Vendan (Indran) presiding deity for Marutham land (Plain) and Varunan (Varuna) presiding deity for Neithal land (Sea) are worshipped.

### **1. Early History:**

Temples in ancient India were not only places of worship but also served as centers of education, social welfare, and charity. Over the centuries, temples received vast endowments in the form of land, money, and goods from kings, wealthy donors, and local communities. The administration of these temples and their assets was largely under the control of local priests or committees. There was no unified or standardized system for managing these endowments, and practices varied greatly across different regions and temples.

### **2. Medieval Period (7th–17th Century):**

During medieval times, many Hindu rulers made significant donations to temples, and these endowments often formed the backbone of temple activities. However, the administration was still largely localized, and many temples operated under the control of local communities or royal patrons.

In some regions, temple management began to be increasingly influenced by the state, especially when rulers wanted to ensure the temples' stability and that religious activities aligned with the state's objectives. For instance, the Vijayanagara Empire (14th–17th century) had a well-structured system for managing temple properties.

### **3. Colonial Period (18th–19th Century):**

Under British rule, temples and religious endowments came under more direct state control. The British government, in its effort to control land and revenues, enacted several laws to regulate temple properties. A key piece of legislation during this period was the "Charitable and Religious Trust Act, 1920", which provided a framework for managing religious trusts, including temples.

However, the colonial rulers did not have a particular interest in promoting or managing Hindu religious activities, so the legislation often lacked clarity and local applicability. The governance of temple properties was inconsistent and varied across different regions.

Finally, in 1927 the Hindu Religious and Charitable Endowments Board was constituted. The Board was given the power to control and supervise temple administration. Similarly, the power to appoint officials to temples for proper administration was also vested with the Board. Subsequently to streamline the administration of the Board, a special officer was appointed in the year 1940. It was suggested in 1942 by the non-official committee under the chairmanship of a retired High Court Judge that it will be proper if the Government undertakes administration directly instead of the Board.

#### **4. Post-Independence Era (1947–Present):**

After India gained independence in 1947, the need to regulate and administer Hindu religious endowments became more pronounced. The Indian government took steps to formalize the administration of temple lands and assets, aiming to prevent misuse of temple resources, and ensure that these resources were being used for the welfare of the community and for religious purposes.

##### **Key developments:**

##### **Madras Hindu Religious and Charitable Endowments Act, 1951:**

One of the most important milestones in the creation of a formal system for managing temples and religious endowments was the introduction of this Act. This legislation established the HR&CE department in Tamil Nadu (then Madras), which became responsible for overseeing the functioning of Hindu temples, managing their assets, and ensuring that the revenue generated from temple lands was used for religious, charitable, and social welfare purposes.

Several amendments were brought out and the Government took over the administration of temples and after several detailed amendments were carried out, the Act XXII of 1959 came into force from 1st January 1960. Based on this Act, a separate Government Department was created for the Administration of temples<sup>3</sup>.

Other States' Legislation: Following Tamil Nadu, many other Indian states enacted similar laws to regulate and administer the Hindu religious endowments in their jurisdictions. For example, the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 were introduced in different regions.

##### **Control over Temple Assets:**

The HR&CE department has the power to take over the administration of temples in certain cases, especially if the temple is deemed to be mismanaged or if there is a need for reforms. The department is also responsible for collecting revenue from temple lands, managing trusts, and overseeing temple administration, ensuring that funds are used properly.

##### **Owner of Temple land:-**

The Deity is the owner of land attached to temple; the priest cannot be treated as the 'Bhumiswami'. The Supreme Court observed that when it comes to ownership of a land attached to a temple, the name of the presiding deity alone is required to be mentioned while the pujari is only to perform puja and acts as a grantee to manage the property of the deity<sup>4</sup>.

<sup>3</sup>[https://hrce.tn.gov.in/hrcehome/hrce\\_about.php](https://hrce.tn.gov.in/hrcehome/hrce_about.php) last visited on 13-01-2025.

<sup>4</sup>(*State of Madhya Pradesh and Others v. Pujari Utthan Avam Kalyan Samiti and Another*).<https://www.barandbench.com/news/litigation/temple-property-belongs-to-deity-pujari-need-not-mentioned-revenue-records-supreme-court>. last visited on 20-01-2025.

The Supreme Court has held that all temple property is owned by the deity as a legal person and the name of the pujari or even the government officials in charge of managing the temple cannot be put in the property ownership papers in the revenue records.

## Whether temple land can be transferred?

Temple lands can be alienated only if it is necessary. The Madras High Court has clarified that temple lands can be alienated only after establishing that such alienation is purely in the interest of the temple concerned and that there is no other option but to sell, mortgage, lease or exchange those lands to ensure uninterrupted performance of the rituals.<sup>5</sup>

### **M/s. Super Goods Films Private Limited & Anr. v. The Commissioner, Hindu Religious and Charitable Endowments Department & Ors.<sup>6</sup>**

In this case “in view of the facts and circumstances, the respondents are directed to resume the subject property belongs to the temple by following the procedures as contemplated under the Hindu Religious and Charitable Endowments Act and utilize the temple property for the interest of temple administration<sup>7</sup>.

### **Commissioner of Hindu Religious Endowments, Madras V. Sri Lakshmindra thirtha Swamiar<sup>8</sup>**

The court established the principle that temple lands are inalienable and cannot be transferred or sold without the permission of the competent authority.

## Legal Framework:-

### ➤ The Religious Endowments Act, 1863 –

This Act regulates the temple management and land usage. It provides guidelines for overseeing the administration of religious trusts, ensuring that temple lands are used in accordance with established religious and charitable purposes.

### ➤ The Hindu Religious Institutions and Charitable Endowments Act, 1951-

This Act governs the temple administration and property management, including the appointment of trustees and the management of financial and other resources related to religious institutions.

### ➤ The Land Acquisition Act, 1894 repealed And the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. This Act regulates the process of land acquisition.

These Acts collectively provide a legal framework for the management and regulation of temple lands, ensuring that religious endowments are handled in a manner that is both accountable and beneficial for the communities they serve.

## Acquisition procedure:-

The acquisition procedure relating to land acquisition are the followings:-

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"In the ownership column, the name of the deity alone is required to be mentioned as the deity, being a juristic person is the owner of the land,"

<sup>5</sup><https://www.thehindu.com/news/national/tamil-nadu/temple-lands-can-be-alienated-only-if-it-is-necessary-saysmadras/article66941273.ece#:~:text=The%20Madras%20High%20Court%20has,uninterrupted%20performance%20of%20the%20rituals.> last visited on 20-01-2025.

<sup>6</sup> (Neutral Citation: 2024:MHC:13.45)

<https://www.verdictum.in/court-updates/high-courts/madras-super-goods-films-private-limited-v-the-commissioner-2024-mhc-1345-temple-property-encroachment-tenants-1526829>. last visited on 20-01-2025.

<sup>7</sup> A Division Bench of Justice S.M. Subramaniam and Justice K. Rajasekar observed, “Encroachments upon temple property by tenants is a serious legal issue that demands stringent enforcement of property laws and respect for religious sentiments. Temple authorities must be vigilant in protecting their land holdings, while tenants must adhere to the terms of their lease agreements. Judicial intervention, guided by established legal principles, is crucial in resolving disputes and upholding the rule of law. The judiciary can safeguard the sanctity of temple lands and uphold the rights of all parties involved.” The Bench noted that the alienation of the leased-out temple property in violation of the provisions of the Hindu Religious and Charitable Endowments Act, 1997 (HR & CE) are null and void.

<sup>8</sup> (1954)SCR1005

Firstly, Government issues a notification indicating intent to acquire temple land. Secondly, Survey and valuation land is surveyed, and its value is determined. Thirdly, Negotiation and consent Temple authorities are consulted, and their consent is obtain (if required). Finally, Compensation and rehabilitation Fair compensation and rehabilitation packages are offered to affect parties.

### **Challenges and controversies regarding acquisition of temple land:-**

Challenges to Acquisition of temple property leads are as follows-

The first reason is the potential loss of temple property and revenue. Secondly, cultural and historical significance Temple lands often hold cultural and historical importance. Thirdly, community opposition Local communities may resist acquisition, citing emotional and spiritual attachments. Then finally, there are concerns about corruption, mismanagement, and lack of transparency in the acquisition process.

### **Judicial interpretation of the acquisition of temple lands in India:-**

Recent case laws concerning the acquisition of temple land in India typically revolve around the balance between religious freedom, public welfare, and government intervention in the management of religious institutions. Although the acquisition of temple land often follows the guidelines established in earlier rulings, recent cases have explored new dimensions such as state control, compensation, and the proper utilization of temple resources. Here are some of the recent case laws related to the acquisition of temple land in India:-

#### **Partap Ram v. State of Rajasthan<sup>9</sup>**

**“The Temple (deity) is a perpetual minor and the pujari/trustee acts only as its caretaker”.**

The Court noted that as per Section 37 of the Act<sup>10</sup>, the Commissioner is deemed a Treasurer of a Charitable Endowments in Rajasthan. The Court observed that the Devsthan Department's control over temple compensation is lawful and in the temple's interest, as per the Land Acquisition Act, 1894 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Court stated that the “State Government is the best authority to protect the right of the temple” especially under the Act and the “Commissioner, being a Treasurer is empowered to exercise its control over the Temple and also to receive compensation in lieu of acquisition of the Temple land.”

The Court noted that the compensation is to be used for temple benefit, including purchasing alternative land. The temple trustees' authority is restricted, and the state government has the duty to protect temple rights. The Court observed that the Temple is a registered public trust, and compensation in lieu of acquisition of Temple land must remain in the account of the Commissioner, Devsthan Department. The Court found the orders and the circular justifiable, aiming to protect the Temple's land and interests<sup>11</sup>.

<sup>9</sup> 2024 SCC OnLine Raj 975, order dated 20-04-2024]

<https://www.scconline.com/blog/post/2024/04/25/rajasthan-high-court-affirms-devsthan-departments-control-over-temple-land-acquisition-compensation-scc-times/> last visited on 20-01-2025.

<sup>10</sup>Sec. 37 - Commissioner to be Treasurer of Charitable Endowments:

Notwithstanding anything contained in the Charitable Endowments Act, 1890 (Central Act VI of 1890), the Commissioner shall be deemed to be the Treasurer of Charitable Endowments for the State of Rajasthan appointed under the provisions of the said Act and the property vesting in the Treasurer before the date on which this Act comes into force shall be deemed to vest in the Commissioner as the Treasurer of Charitable Endowments, and the provisions of the said Act shall apply to the Commissioner as the treasurer of Charitable Endowments appointed under the said Act."

<sup>11</sup> “The Temple (deity) is a perpetual minor and the pujari/trustee acts only as its caretaker and thus, the compensation in lieu of acquisition of Temple's land has to remain in the account of the Commissioner, Devsthan Department, who in turn, would utilize the same for purchase of alternate land as per the decision of the Committee, and such land after being purchased would be allotted back to the Temple, thus, completely protecting and safeguard its rights and interests.”...



## **Gouthaman vs. State of Tamil Nadu<sup>12</sup>**

In this case MHC heard “that the petitioners sought a declaration that several temples, including the Mylai Sri Kapaleeswarar Temple and the Vadapalani Murugan Temple, should be considered ancient monuments and heritage structures under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, read with Article 26 of the Constitution of India<sup>13</sup>. This was in response to the Chennai Metro Rail Project's Phase II, which could potentially impact these temples”.

The court ruled that the temples in question are indeed ancient monuments and heritage structures, and therefore, their lands should not be subjected to alienation contrary to the wishes of the donors. The court also noted that the lands would remain with the temples and that the public purpose theory should not be invoked in cases of temple lands<sup>14</sup>.

## **K. Devakimma And Others vs. Tirumala Tirupathi Devasthanams<sup>15</sup>,**

The Tirumala Tirupathi Devasthanam (TTD) has been involved in several land acquisition cases to facilitate the development of infrastructure around the Tirumala temple. The land was acquired to development of the Balaji temple town by constructing roads, Kalyanamandapam, choutries, and other civic amenities for the benefit of devotees. The land acquisition was justified as serving a public purpose, which is a requirement under the Land Acquisition Act, 1894<sup>16</sup>.

## **Sri Subrahmanya Swami Temple v. St of TN<sup>17</sup>**

In this case court held that the state government acquisition of temple land for a road project was unconstitutional and violated the Fundamental rights of the temple and it's devotees.

## **Government order (G.Os.)- Acquisition of temple lands<sup>18</sup>**

In the view of the ordinance, the acquisition of religious land should be avoided as much as possible change land. The Government has issued appropriate instructions to the Administrative Commissioner and all District Collectors / Revenue Officers to take measures for religious land acquisition only as a last step when land is not available.<sup>19</sup>

The Ordinance in Nilavaparvai 1 states that in case of unavoidable circumstances during the acquisition of land under the Land-Acquisition Act, 1894, which necessitates the acquisition of temple/pai lands, Lat. All the District Heads have already been directed to obtain the pre-acceptance

<sup>12</sup> Gouthaman vs. State of Tamil Nadu, W.P.No.12210 of 2022, Madras High Court, Judgment delivered on July 11, 2022, by Hon'ble Chief Justice Munishwar Nath Bhandari and Hon'ble Justice N. Mala. <https://www.sconline.com/blog/post/2024/04/25/rajasthan-high-court-affirms-devsthan-departments-control-over-temple-land-acquisition-compensation-scc-times/> last visited on 25-01-2025.

<sup>13</sup>Article 26 Freedom to Manage religious affairs.- Subject to public order, morality and health, every religious denomination or any section thereof shall have the right –

- (a) To establish and maintain institutions for religious and charitable purposes;
- (b) To manage its own affairs in matter of religion;
- (c) To own and acquire movable and immovable property; and
- (d) To administer such property in accordance with law.

<sup>14</sup><https://www.casemine.com/judgement/in/62b6112db50db955edec0463> last visited on 25-01-2025.

<sup>15</sup> Equivalent citations: AIR 2015 SUPREME COURT 3375

<sup>16</sup> Payment of compensation payable to each appellant (landowner) as directed and pay the compensation money to each of the appellant. <https://www.casemine.com/judgement/in/5790b294e561097e45a4e2c6> last visited on 25-01-2025.

<sup>17</sup> (2015) 6 SCC 397.

<sup>18</sup>G. BASKARAN, L.G. SAHADEVAN, LAND AQUISATION LAWS IN TAMILNADU WITH NOTES AND CASE LAWS, 4TH EDITION FEBURARY 2006, Pg No.220-224

[Ordinance (Miscellaneous) No. 1630, Department of Revenue, Dated : 26th September, 1984] View: Ordinance Miscellaneous No. 1266, Revenue, dated 30, 1987.

<sup>19</sup> The Government has further investigated the above matter. The charity department said that no benefit could be derived from the temple land. The government considers that the temple land should not be taken without its consent. In the case of unavoidable circumstances during the acquisition of land under the Land Acquisition Act of 1894, which requires the acquisition of temple lands, before taking the necessary steps to acquire them, the concerned charity department should be pre-approved and then send the following action note to the government. After receiving through the certificate, following the takeover proceedings, District Heads of State are also requested certificate. It is assured that the temple has not been able to derive any benefit from the said temple land. For the said public purpose, the consent of the department is given to acquire this land by invoking the Land Acquisition Act, 1894.

certificate from the Charity Department before taking the necessary steps to take over the assets and then send the action plan to them following the acquisition steps.

Consider that the Commissioner of the Hindu Religious Charitable Administration in his letter as proof that the land belonging to the temples in Tamil Nadu is the rightful owner of the Commissioner of the Hindu Religious Charitable Administration

It is sad to see that Aman Suruthu is owned by government officials and the only condition is that each religious institution is a separate licensee and the management of that institution is qualified to defend and counter-litigate on behalf of that management. The rule is to seek peace before the Commissioner. But the commissioner also said that the lessee of the said temples is the Swami who owns them. They are minor lessees.

If their Guardian Temple / Trustee / Thakkar / Acting Officer wants to sell the land, the Trustee should pass a resolution, send an application to the Commissioners of Hindu Religious Charities Act in the appropriate form under Section 34<sup>20</sup>, get permission, get the final uddha for sale and accordingly receive the money as trust and write a deed and register it. From the above categories, it is clear that temple land also has the same merit as an individual's own land. Therefore, in connection with this land acquisition, a notification and other notifications should be sent to the individual licensee in their proper capacity to hand over the land to the trustee. As a commissioner, it is the duty of the unitary commissioner to give permission for sale and administrative supervision considering the condition of the temple. He also said that since the relevant information is sent to the commissioner or other officers of the department without being sent to the company executives, the information is not sent as required by the Land Acquisition Act. Comments of the Commissioner of the above Hindu Religious Charitable Institutions Department. The government has carefully considered. Henceforth, all District Collectors/District Revenue Officers and Sub-Collectors are requested to send appropriate information (Notice) and Award to the name of the company administrator when acquiring land for temple lands. It is advised to follow this practice regularly<sup>21</sup>.

<sup>20</sup> Section 34 in Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959

S.34. Alienation of immovable trust property.

(1) Any exchange, sale or mortgage and any lease for a term exceeding five years of any immovable property, belonging to, or given or endowed for the purposes, of any religious institution shall be null and void unless it is sanctioned by [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] as being necessary or beneficial to the institution: Provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published in such manner as may be prescribed, inviting objections and suggestions with respect thereto; and all objections and suggestions received from the trustee or other persons having interest shall be duly considered by [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.]: [Provided further that the Commissioner shall not accord such sanction without the previous approval of the Government.] [Inserted by section 2(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1998 (Tamil Nadu Act 38 of 1998).]

Explanation. - Any lease of the property above mentioned though for a term not exceeding five years shall, if it contains a provision for renewal for a further term (so as to exceed five years in the aggregate), whether subject to any condition or not, be deemed to be a lease for a period exceeding five years.

(2) When according such sanction, [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] may impose such conditions and give such directions as [he] [Substituted by Tamil Nadu Act 39 of 1996.] may deem necessary regarding the utilisation of the amount raised by the transaction, the investment thereof and in the case of a mortgage, regarding the discharge of the same within a reasonable period.

(3) A copy of the order made by [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] under this section shall be communicated to the Government and to the trustee and shall be published in such manner as may be prescribed.

(4) The trustee may, within three months from the date of his receipt of a copy of the order, and any person having interest may, within three months from the date of the publication of the order, [appeal to the Court] [Substituted by section 2(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1998 (Tamil Nadu Act 38 of 1998).] to modify the order or set it aside.

[(4-A) The Government may issue such directions to the Commissioner as in their opinion are necessary, in respect of any exchange, sale, mortgage or lease of any immovable property, belonging to, or given or endowed for the purpose of, any religious institution and the Commissioner shall give effect to all such directions.] [Inserted by section 2(3) of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1998 (Tamil Nadu Act 38 of 1998).]

(5) Nothing contained in this section shall apply to the inams referred to in section 41.

<sup>21</sup> [Letter no. 15008/C 1/89-6, Department of Revenue, Dated :30th September, 1989]

Ordinance No. : 1630, Department of Revenue, dated the 26th September, 1984

K. of the Commissioner of Hindu Religious Charities. No. K. 76013/86/R2, dated : 6 December 1988

The land administration department expressed the view that the land acquisition department should avoid choosing to acquire the temple without thorough investigation and take it over as a last resort. Government has studied it in detail Tamil Nadu Hindu Religion and Charities (Amendment) Act, 1991 (Tamil Nadu Act 46/1991) All lands belonging to temples have come under the control of the Tamil Nadu Temple Management Board. In this situation, all the District Governors are requested to send the following information along with the instructions for taking over the lands belonging to the temples.

1. Details of other lands belonging to the temples and the extent of the land
2. Explanation of reasons why the acquisition of temple land cannot be avoided;
3. No Objection Certificate obtained from Tamil Nadu Temple Management Board.<sup>22</sup>

The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, governs the exchange, sale, mortgage, and lease of immovable property related to religious institutions, requiring sanctions and government approval for transactions over five years<sup>23</sup>. Various G.Os. and provisions of the Act, there is lack of uniformity in these transactions. There is also lack of clarity in fixation of value of land in sale due to absence of clarity in the manner in which the market value to be arrived and due to the absence of specific order norms. As there exit no prescribed guidelines/order in regard to exchange of land. The HR &CE has to act to bring maximum benefits to these religious institutions, while ensuring that there should be fair and transparent manner.

### Conclusion:-

The acquisition of temple land in India is a multifaceted issue that intersects legal, cultural, and administrative domains. Judicial rulings and legislative measures have underscored the principle that temple land is legally owned by the deities, with custodianship entrusted to priests and government bodies. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, provides a framework for acquiring land for public purposes, ensuring fair compensation and transparency in the process. These measures aim to protect religious properties while accommodating developmental needs, ensuring that the benefits of temple land are utilized for the temple and its community. Balancing these interests remains essential to preserving the cultural and spiritual heritage embodied by these sacred spaces.

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<sup>22</sup> G.O. 814 ,Date :- 3 September ,1993

<sup>23</sup><https://www.scribd.com/document/751138691/Temple-property-G-O> last visited on 25-01-2025.



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