



WEB COPY

W.P.No.14461 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.14461 of 2021

and

W.M.P.No.15347 of 2021

K.V.Chalapathy

... Petitioner

-VS-

- 1.The Commissioner,
HR&CE Admn. Department,
Chennai – 600 034.
- 2.The Joint Commissioner,
HR&CE Department,
Vellore.
- 3.The Assistant Commissioner,
HR&CE Department,
Thiruvallur.
- 4.D.Bharathkumar
- 5.The Executive Officer,
Pallipat Town and Panchayat,
Tiruvallur District.



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6.The Tahsildar,
Pallipat Town and Pancyayat,
Tiruvallur District.

[R5 & R6 suo motu impleaded vide order dated 15.07.2021.]

7.The District Collector,
Tiruvallur.

[R7 suo motu impleaded vide order dated 04.02.2026.]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to praying to issue a Writ of Mandamus, directing the respondents to take action against the illegal encroachment and construction by third parties in vacant land in S.No.181/2, Pallipattu, Tiruvallur District, Pursuant to the proceedings in Na.Ka.No.255/2021/E1, dated 25.03.2021 of the 2nd respondent sent to the 3rd respondent subsequent to the representation dated 04.01.2021, sent by the petitioner to the 2nd respondent.

For Petitioner : Ms.G.Sumithra

For Respondents : Mr.S.Ravichandra,
Addl. Govt. Pleader (HR&CE) for R1 to R3

Mr.S.C.Vishwanath for R4

Mr.P.Bala Thandayudham for R5

Mr.T.Arun Kumar,
Addl. Govt. Pleader for R6



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

The Writ on hand has been instituted seeking a direction to the respondents to take action against the illegal encroachment and construction by third parties in vacant land in S.No.181/2, Pallipattu, Tiruvallur District, Pursuant to the proceedings in Na.Ka.No.255/2021/E1, dated 25.03.2021 of the 2nd respondent sent to the 3rd respondent subsequent to the representation dated 04.01.2021, sent by the petitioner to the 2nd respondent.

2. The subject property described in the writ proceedings belongs to temple viz., Arulmighu Varadhanarayana Swami Temple, Pallipattu Town and Taluk, Tiruvallur District. The vagana mandapam in the temple was in a dilapidated condition and a portion of the roof fell down fifteen years back. Thus, the said vagana mandapam was misused by some local people and some residents used the same as car park. Objections were raised by the devotees to protect the temple property. Since no action has been taken against the encroachment made by some third parties, present Writ Petition came to be instituted.



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3. This Court directed the District Collector to conduct a field inspection and submit a report. Accordingly, the District Collector filed a status report on 18th February 2026. The report would state that as per G.O.(Ms.)No.349, Revenue (L.D1(1)) Department, dated 30.05.2006, the subject land in Survey No.181 with an extent of 2.05.50 Hectares, which was registered as 'Governmentd Poramboke Panchayat Road' in the UDR 'A' Register, was reclassified as 'Grama Natham' and subsequent changes were carried out in revenue records.

4. Admittedly, the vagana mandapam was existing for several years and the said vagana mandapam was in a dilapidated condition and a portion of the roof fell down and thereafter the temple property has been misused by third parties. Now the temple Authorities have resumed possession of vagana mandapam and the Inspector of HR & CE Department, Tiruvallur has given instruction to the learned Government Pleader HR & CE that a proposal is submitted to re-construct the vagana mandapam and a temple office, so as to utilize the temple property for the benefit of the temple. A temporary shed has already been constructed to use the shed as vagana mandapam.



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5. It is the duty mandated on the Department to protect the temple properties in the manner contemplated under the HR & CE Act and Rules. Under the HR & CE Act surplus funds from one temple can be used for renovation purpose of other temple, where there is no sufficient income. Therefore, there may not be any impediment for the Department to re-construct vagana mandapam as well as temple office for the benefit of temple by putting up permanent structure. All necessary arrangements are to be made to ensure that permanent structure is constructed and utilized for the benefit of temple.

6. In this regard, the respondents 1 to 3 are directed to ensure that the surplus funds from other temples are utilized for construction of permanent structure in this temple, more specifically vagana mandapam and temple office for the benefit of temple and to protect the temple properties. The said exercise is directed to be completed as expeditiously as possible. It is made clear that the HR & CE Department shall ensure that the property is protected free from encroachment hereinafter.



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7. With these directions, this Writ Petition stands **disposed of**. No costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S,J.) (C.K,J.)
19.02.2026

Index: Yes / No
Internet: Yes / No
dsa



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To:

- 1.The Commissioner,
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- 2.The Joint Commissioner,
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