



WEB COPY

WP No. 26515 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 26515 of 2026

Nagaraj K.V.K
S/o.Kandasamy,
No.55C, Angalaparameswari kovil opposite,
poosari thottam, soolai, veerappanchatram post,
Erode - 638004.

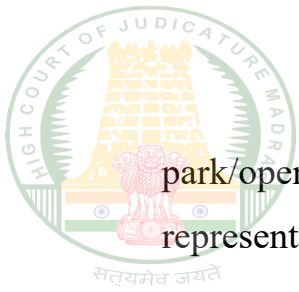
..Petitioner(s)

Vs

1. The District Collector
O/o.District Collector, Erode District.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Erode District.
3. The Tahsildar,
Erode Taluk Office, Erode District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Erode District.
5. The Commissioner
Erode Corporation, Erode District.

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of mandamus directing the respondents 1, 3 and 5
herein to inspect the property situated at Old S.F.No.277, new S.F.No.689/3,
kaveri nagar, veerappan chatram, erode and to take immediate action to remove
the unauthorized vinayagar temple constructed in the land reserved for childrens



park/open space and restore the property for public use based on petitioners representation dated 22.05.2026 within a stipulated time.

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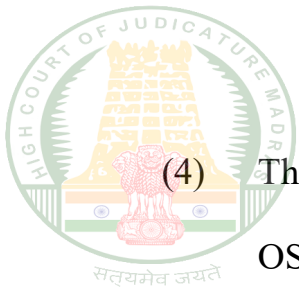
For Petitioner(s): M/s.Sinega B N

For Respondent(s): Mr.B.Sivakollappan, Ga For R1 To R3
Mr.Veerabathiran Prasanth, Ga For R4
Mr.M.Rajamathivanan, St.C. For R5

Order

(Order of the Court was made by Dr.G.Jayachandran J.)

- (1) Mr.B.Sivakollapan, learned Government Advocate accepts notice on behalf of the respondents 1 to 3 ; Mr.Veerabathiran Prasanth, learned Government Advocate accepts notice on behalf of the 4th respondent and Mr.M.Rajamathivanan, learned Standing counsel accepts notice on behalf of the 5th respondent.
- (2) By consent, the main writ petition itself is taken up final disposal at the admission stage itself.
- (3) The writ petition is filed by one K.V.K.Nagaraj, seeking a mandamus directing the respondents 1, 3 and 5 to inspect the property in Old S.F.No.277, new S.F.No.689/3, Kaveri Nagar, Veerappan Chatram, Erode and to take immediate action to remove the unauthorized Vinayagar temple constructed in the land reserved for children's park/open space and restore the property for public use based on petitioner's representation dated 22.05.2026.



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(4) The disputed construction was the subject matter of the civil suit in OS.No.582/2012, on the file of the learned I Additional District Munsif, Erode, filed by one Paramasivam, and the said suit was dismissed for default on 03.10.2013. After the dismissal of the suit, one Pushpavathy, W/o.Paramasivam, has filed WP.no.1553/2016 before this Court with a prayer almost similar to the prayer in the present writ petition. The aforesaid writ petition came up for consideration before a learned Single Judge of this Court on 17.06.2022, wherein, recording the past history of the dispute between the individual and the suit filed, which was later dismissed for default, the learned Single Judge has dismissed the writ petition holding that the said writ petition is an abuse of process of law and also recorded the finding on the classification of the land upon which the Vinayagar Temple is constructed.

(5) The observations of the learned Single Judge in the order dated 17.06.2022, read as follows:-

“9.However, on perusal of the counter affidavit filed by the official respondents, the entire SF.No.277 was sub-divided as SF.Nos.689, 690, 691, 692 and 693. During the Nattam Survey Settlement Scheme, the said land is classified as SF.No.689/3 ; classified as ryot manai, ‘Natham Niruthappattathu’ and there is no record to sue that the land is allotted for public purpose as children park and no approved layout was produced before this Court and no Gift Deed was

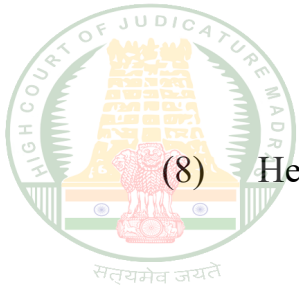


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executed in favour of the local body. In the absence of the approval along with Gift Deed, this Court cannot issue a direction to the local body to maintain the public place as per the original layout.’’

- (6) The learned Single Judge had also taken note of the allegation in the writ petition that the worshippers in the temple using electric drums, loud speakers etc., are causing disturbance to the local residents and for the said allegation, the learned Single Judge had directed the respondents 2 and 6, namely, the District Collector and the Tahsildar, to regulate the use of the electric drums and loud speakers and instruct the temple authorities, not to make any noise pollution and create traffic congestion with the locality.
- (7) While so, after four years, a non resident of that layout has come before this Court with an intention to disturb the religious structure existing in the alleged disputed land. We find no public interest involved in this writ petition. Further, the petitioner herein appears to be a ventroculist to the earlier litigants who were not able to succeed in getting orders of their choice. Since the temple structure in a residential layout alleged to be erected in the portion earmarked for playground having come under the scanner of this Court in the earlier round of litigations and since certain directions were also issued to the authorities, we find no reason to reiterate the same by entertaining the writ petition.



(8) Hence, the writ petition stands **dismissed**. No costs.

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(G.J.,J.) (N.M.,J.)
10-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Internet: Yes

AP

To

1. The District Collector
O/o.District Collector, Erode District.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Erode District.
3. The Tahsildar,
Erode Taluk Office, Erode District.
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**DR.G.JAYACHANDRAN J.
AND
N.MALA J.**

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