



W.P.(MD).No.5566 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.5566 of 2026

and

W.M.P(MD).No.4643 and 4644 of 2026

A.Jeevanantham

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.
4. The Executive Officer,
Neelakanda Pillaiyar Temple,
Peravurani and Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the Impugned proceedings in M.P.No.6 of 2023 pending before the 2nd respondent, quash the same as illegal and to pass



W.P.(MD).No.5566 of 2026

such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.V.Sundari
For R1 to R3 : Mr.M.Sarangan
Additional Government Pleader
For R4 : Mr.Ramesh Mahadev

ORDER

The writ petition is filed for a Certiorari to call for the records relating to the impugned proceedings in M.P.No.6 of 2023, pending before the 2nd respondent and quash the same.

2. Heard Mr.V.Sundari, learned counsel appearing for petitioner, Mr.M.Sarangan, learned Additional Government Pleader who takes notice for R1 to R3 and Mr.Ramesh Mahadev, who takes notice for R4.

3. By consent, the writ petition is taken up for final disposal at the admission stage itself.



W.P.(MD).No.5566 of 2026

WEB COPY

4. The case of the petitioner is that the property in S.No.151/23 measuring an extent of 24 cents in Neelakandapillaiyar Endal Village, Peravurani Taluk, Thanjavur District, originally belonged to the petitioner's father. Thereafter, the Settlement Tahsildar has granted ryotwari patta in respect of the said extent of the land. Subsequently, the temple filed a Civil Suit in O.S.No.145 of 2009 and impleaded Mr.A.Muthusamy and Mr.A.Kuppusamy alone as the legal heirs of deceased Ayyasamy. The petitioner was never impleaded as the defendant in the said civil suit. The portion of the property also devolves on the petitioner and the petitioner is in possession and enjoyment of the same as his absolute property.

5. While so, by taking proceedings under Section 78/79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, now the petitioner is sought to be thrown out of the property. The respondents are taking law into their own hands and the petitioner has also filed a civil suit in O.S.No.75 of 2025 on the file of the District Munsif cum Judicial Magistrate Court, Peravurani for declaration and permanent injunction.



W.P.(MD).No.5566 of 2026

6. Per Contra, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 would submit that due notice for eviction proceedings has been issued and even if the petitioner has any claim, then they have to only file a reply to the petitioner which will be considered in the enquiry. Even if they want to set up a rival title, it will be open for them to approach the Civil Court. This Court cannot interfere with the notice in M.P.No.6 of 2023. According to the petitioner, the decree in O.S.No.145 of 2009 has also become final.

7. The learned counsel appearing on behalf of the 4th respondent would submit that the temple is aggrieved of the ryotwari patta that was granted and thereafter, it filed a Civil Suit in O.S.No.145 of 2009 and a decree of recovery of possession has already been passed. The decree has become final and E.P.No.2 of 2022 is also pending for recovery of possession of the property. At this stage, the petitioner wants to interdict into the same and no objection was taken while the impleading petition was filed on the death of Ayyasami. Therefore, the writ petition should not be entertained.



W.P.(MD).No.5566 of 2026

8. I have considered the rival submissions made on either side and perused the material record of the case.

9. Even, if the Settlement Tahsildar has granted a ryotwari patta in favour of the petitioner, still the aggrieved temple was entitled to approach the Civil Court. When the Civil Court decree has ultimately held as against the father of the petitioner then the rights of the parties will be determined only as per the Civil Court decree.

10. In this case, the petitioner was not impleaded as the legal heir when his father died and therefore, the petitioner has now filed a Civil Suit by himself for declaring that he is the owner of the property and consequential permanent injunction. Therefore, when the impugned proceedings are taken under section Section 78/79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, two courses will be opened for the parties:-

(a) They can file a reply before the appropriate authority bringing forth such documents stating that they are entitled to be in possession and they cannot be evicted by the authorities.



W.P.(MD).No.5566 of 2026

WEB COPY

(b) Secondly, if they tried to set up a rival title, they can also approach the competent Civil Court. In this case, already the petitioner has set up a rival title and has filed the Civil Suit. Therefore, if at all the petitioner wants to safeguard the possession, or that the authority should not proceed in any manner at all, the petitioner should move such interim application in the pending suit and as and when such application is moved, the appropriate orders be passed by the Civil Court. In the interregnum, the possession can be taken from the petitioner either in the execution petition duly executing the warrant through the Court or after passing final orders in the MP's. It would be open for the petitioner to contest both the matters in the manner known to law.

11. With the aforesaid liberty to contest M.P.No.6 of 2023, to move I.A. before the Civil Court and also to contest E.P.No.2 of 2022 in the manner known to law, this writ petition cannot be entertained to quash the proceedings.



W.P.(MD).No.5566 of 2026

WEB COPY

12. Accordingly, the writ petition is disposed of reserving the liberties to the petitioner as stated above. No costs. Consequently, connected miscellaneous petitions are closed.

02.03.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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WEB COPY



W.P.(MD).No.5566 of 2026

D.BHARATHA CHAKRAVARTHY, J.

rgm

To

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