

W.P(MD)Nos.15578 & 5697 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.07.2026

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)Nos.15578 & 5697 of 2026

and

W.M.P.(MD)Nos.14628, 7126 & 13921 of 2026

W.P(MD)No.15578 of 2026

Arulmighu Sri Sundaranachiamman Thirukovil
by its Trustee M.Rasakani,

... Petitioner

Vs

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.

2. The District Collector,
Virudhunagar District.

3. The District Revenue Officer,
Virudhunagar District.

4. The Revenue Divisional Officer,
Sattur Revenue District, Sattur,
Virudhunagar District.

5. The Sub-Collector,
Sivakasi, Virudhunagar District.

6. The Tahsildar,
Tahsildar Office,
Rajapalayam,
Virudhunagar District.

... Respondents



W.P(MD)Nos.15578 & 5697 of 2026

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent in Na.Ka.Aa4.10881.2022 dated 29.05.2026 and quash the same and consequently direct the second respondent to pass an order to exchange the land of the petitioner based on the respondent dated 01.04.2026.

W.P(MD)No.5697 of 2026

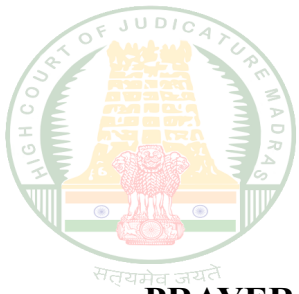
Arulmighu Sri Sundaranachiamman Thirukovil
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... Petitioner

Vs

1. The Commissioner of Land Administration,
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... Respondents



W.P(MD)Nos.15578 & 5697 of 2026

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to extend the lease period from 05.07.2023 to 04.07.2026 based on the petitioner's representation dated 22.06.2023 and 04.02.2026.

(In both petitions)

For Petitioner : Mr.C.Vakeeswaran

For R1 to R3 : Mr.I.Pinaygash
Counsel for State of Tamil Nadu

COMMON ORDER

Since the relief sought for arises from the same set of facts in both the writ petitions, both were taken together and common order is passed.

2.(i) The Writ Petition in W.P.(MD)No.15578 of 2026 has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent in Na.Ka.Aa4.10881 of 2022 dated 29.05.2026 and consequently direct the second respondent to pass an order to exchange the land of the petitioner based on the respondent dated 01.04.2026.

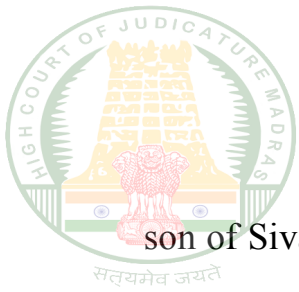
2.(ii) The Writ Petition in W.P.(MD)No.5697 of 2026 has been filed for the



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issuance of a Writ of Mandamus, directing the second respondent to extend the lease period from 05.07.2023 to 04.07.2026 based on the petitioner's representation dated 22.06.2023 and 04.02.2026.

3. The writ petition in W.P.(MD)No.15578 of 2026 is filed by a temple represented by its trustee, namely, M.Rasakani. The temple, namely Arulmighu Sri Sundaranachiamman Thirukovil is situated in Survey No.59/1B was constructed before 40 years. The land in Survey No.59/1A is a Natham Poromboke land. The Temple Mahal has been constructed in Survey No.59/1B and 59/6 to an extent of 4428 square feet ground floor and 1st floor. The temple was constructed after getting approval from the Thalavaipuram Panchayat on 22.08.2012. The temple is also paying taxes for the said temple Mahal. The above said Temple Mahal was constructed at the cost of Rs.70,00,000/- out of the donation given by the community people as well as the general public. At the time of temple festival, the Annathanam function is being performed in the said Temple Mahal. The temple is the Kuladheivam for more than 500 families and the ancestors have constructed the temple in small way before 40 years with the compound wall in the old stones in Survey No.59/1B and 59/6. The Survey No.59/6 and Survey No.59/1A situates on the northern side of the Survey No.59/1B. The Survey No.59/6 which consists of 7 cents and the said land originally belonged to one Sankaranayana Mudaliyar,



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son of Sivakolundu Mudaliyar. The said Sankaranayana Mudaliyar has given land in Survey No.59/6 to the above said temple under oral sale for the usage to the temple.

4. While that being so, one Jayapaul in order to give trouble to the temple has lodged a complaint to the Revenue Authorities to remove encroachment in Survey No.59/1A on 07.09.2016. Thereafter, the fourth respondent has visited the spot and found that some portion of the temple was in Survey No.59/1A. The temple was under the impression that the Mahal was constructed in Survey Nos. 59/1B and 59/6. However, it is found out that the Mahal was constructed by taking a portion of the land in Survey No.59/1A. But the fact remains that the land in S.No.59/1A was in long use by the above said temple especially during the temple festival. On 23.09.2016, the fourth respondent has directed the petitioner to remove the encroachment of 528 square meter in Survey No.59/1 but without giving proper notice to the petitioner. Immediately, the petitioner approached the third responder to grant lease vide application dated 04.10.2016 in respect for the alleged encroached portion in Survey No.59/1A. The lease was sought from 2012 onwards, since the said Mahal was constructed in the year 2012. The third respondent has directed the fourth respondent to consider the representation to grant lease. In the meanwhile, the said Jayapaul has filed Public Interest



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Litigation in W.P.(MD) No.24534 of 2016 and this Court vide order dated 23.02.2017 directed the respondents to remove the encroachment after considering the petitioner's representation to grant lease to the Temple within a period of six months. The second respondent has passed an order dated 05.07.2017 granting lease to the temple Trust for a period of three years and the temple was directed to deposit the amount of Rs.2,72,232/- for a period from 2012 to 2017. The petitioner had deposited the said amount on 11.07.2017.

5. Further the petitioner had deposited Rs.45,387/- on 11.07.2017, 06.07.2018 and 09.07.2019 as part of annual rent for each year. Since the said lease was lapsed on 04.07.2020, the petitioner again requested the Collector to extend the lease for a period of another three years from 05.07.2020 to 04.07.2023. On 08.07.2021, the second respondent has passed an order extending the lease from 05.07.2020 to 04.07.2023 with the revised lease amount of Rs. 1,06,814/- for each year. The petitioner has also paid the lease amount for three years on 01.12.2021, 20.07.2022 and 01.02.2023 for the respective years. On 22.06.2023, the petitioner again made a request to the second respondent for granting further period of lease from 05.07.2023 to 04.07.2026. The fifth respondent has directed the petitioner to pay the revised amount of Rs.1,19,632/- for the lease period from 2023 to 2024 and Rs.1,33,988/- for the lease period of



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2024 to 2025. But the fifth respondent without extending the lease for three years simply directed to pay lease amount for each year. Immediately, the petitioner approached the fifth respondent for extension of lease. At that time, the fifth respondent informed that the lease extension order will be passed shortly and directed the petitioner to pay the revised lease amount. As per the direction, the petitioner has also paid the lease amount. But the extension application for the further lease period is pending for consideration. Hence, the petitioner submitted a representation dated 04.02.2026 for lease execution for the period from 2023 to 2026.

6. In the meanwhile, one V.Reshma Jaya Gayathri filed another Public Interest Litigation challenging the lease order passed by the second respondent in view of the order passed in W.P.(MD)No.24534 of 2016 and to directing the revenue authorities to demolition and evict the temple mahal constructed by the petitioner temple. The said writ petition is still pending for consideration. The fifth respondent has issued Section 7 Notice under Land Encroachment Act on 05.02.2026, but the fifth respondent failed to note the existence of lease and also not considered the petitioner's extension application for lease. Hence, the petitioner filed a writ petition in W.P.(MD)No. 5697 of 2026 for issuance of a Mandamus, directing the respondents to grant lease. When the said writ petition



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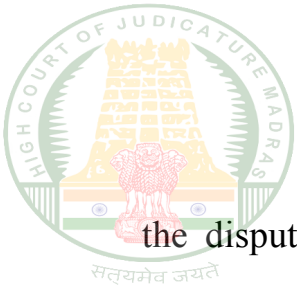
came for admission, the petitioner submitted that the respondents has not considered the extension of lease application, further submitted that the temple is ready and willing for exchange of land and the respondents have power to consider the same based on the G.O.Ms.No.201, Revenue and Disaster Management Department, Land Disposal Wing, LD3(1) Section, dated 10.05.2022. Therefore, the petitioner was directed to submit an application before the respondent and the respondent was directed to consider the said application for extension of lease as well as exchange of land. The respondent considered the said application and had passed the impugned order, rejecting the exchange of land. The reason cited by the respondent is that the petitioner is using the Temple Mahal for commercial purpose. Aggrieved over the same, the W.P.(MD)No.15578 of 2026 has been filed. Hence both the writ petitions is taken up together for passing common order.

7. The respondents have filed counter affidavit along with a petition to vacate the interim order, contending that a lessee cannot claim patta in respect of leased Government land. It is further contended that exchange of Government land is not a matter of right. The said issue was considered in ***Bombay Burmah Trading Corporation Ltd. vs. State of Tamil Nadu and Rosemary and Others vs. Union of India***, order dated 03.12.2024, where the Court has held that the



Government policy relating to leasehold rights and allied matters is governed by considerations of public interest and cannot be claimed as a matter of right. The Hon'ble Division Bench has already considered for the removal of encroachment. In such circumstances, the petitioner's representation was considered positively and lease was granted and the petitioner was paying the lease amount regularly. As far as G.O.Ms.No.201 is concerned, it has been stated that exchange of land may be permitted for agricultural and non-agricultural purposes. However, exchange of land is not a matter of right. The petitioner has already been issued a notice under Section 6 in compliance with the order passed by the Court in Public Interest Litigation and proceeding further with the eviction process. The impugned order under challenge was passed rejecting the petitioner's request for exchange of land, and the petitioner has no legal right to claim such exchange as a matter of right. Hence, the respondents pray to vacate the interim order and to dismiss the writ petitions.

8. After hearing the rival submissions, this Court has considered the contentions raised by the parties. The primary contention raised by the petitioner is that the respondents have the power to grant lease under Revenue Standing Order 26(A) (in short RSO). It is only by invoking the said Revenue Standing Order that the respondents had earlier granted the lease in order to put an end to



the dispute. This Court is of the considered opinion when the RSO 26(A) is granting power to grant lease of the land, then there is no illegality in granting lease to the petitioner.

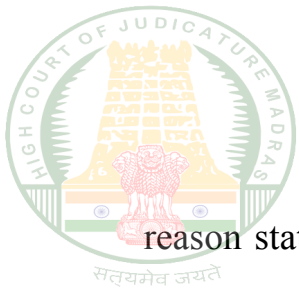
9. The next contention of the respondents is that the petitioner cannot claim exchange of land as a matter of right. On the other hand, the petitioner submitted that the government has issued government order to deal with the exchange of lands in G.O.Ms.No.201, Revenue and Disaster Management Department, Land Disposal Wing, LD3(1) Section, dated 10.05.2022. This Court is of the considered opinion when the government had formulated a scheme for exchange of land, then it ought to be construed that the petitioner has a right under the said G.O., consequently the petitioner is not claiming the exchange of land as a matter of right, but based on G.O.Ms.No.201.

10. The next contention of the respondents is that the petitioner temple is using the Temple Mahal for commercial purposes and that it is not being used for a public purpose. On the other hand, the petitioner temple submitted that the Mahal is used for conducting temple festivals, for doing Annadhanam function during the festivals and other functions related to the temple. This Court is of the considered opinion that the said objection of the respondents ought to be rejected



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since any function related to the temple, deity or any functions related to devotees can be celebrated in the Mahal. Further there is no prohibition to use the Mahal for conducting such functions. Infact such celebrations cannot be considered as commercial in nature. It cannot also be stated not for public purpose rather it for the public purpose. In the present case the petitioner temple is using the said Mahal for conducting temple festivals, for doing Annadhanam function during the festivals and other functions related to devotees. As stated supra the conducting of festivals and annadhanam cannot be considered as commercial in nature and also cannot be stated not for public purpose. For the sake of argument, even if it is considered as commercial, there is no prohibition under law. In fact, the temples administered by the Government under the HR & CE Department allow to conducting marriage, annadhanam etc. in the temple, hence the same cannot be termed as commercial at all rather it is part of “Bharathiya Culture”. When there is no legal bar or prohibition, then the same cannot be a reason to decline to consider for exchange of land. It is pertinent to note that the data states the temples play a major role in Indian Economy in multidimensional way. The “temple cultural economy” generates seven lakh crore income from 7500 temples all over India. Hence temples are the largest employment providers after agriculture and MSME in India. Infact it can be stated that the economy was in and around the temples. Therefore, this Court is of the considered opinion that the



reason stated by the respondents regarding exchange of land is totally erroneous and total non-application of mind.

11. The petitioner has offered for exchange the land or the land in question may be sold to the petitioner at market value. The petitioner has occupied 528 square meter of land in S.No.59/1A i.e. 14 cents of land. As far as exchange of land is concerned, the said G.O.Ms.No.201 dated 10.05.2022 specifically provides that, where the land proposed for exchange is situated within one kilometer the value shall be determined in the manner prescribed therein. The relevant portion of the Government Order is extracted hereunder:

“In case there is no possibility of exchange within the block or within one kilometer from the block, and the patta land is more than one kilometer from the block of the land then double guideline value for Government land and single guideline value of patta land will be used for the exchange of land.”

When the said Government Order itself clearly provides that exchange of Government land is permissible in exchange for patta land, the respondents cannot deny the petitioner's request for exchange of land. Further, the petitioner is occupying only 14 cents of Government land, whereas the petitioner has offered

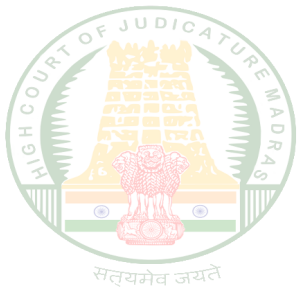


50 cents of patta land in exchange. Infact, the extent of land offered by the petitioner is more than three times the extent of the Government land under occupation.

12. Accordingly, the respondents are directed to complete the process of exchange of land in the light of the said Government Order and execute the necessary sale deed. Consequently, the respondents are directed to issue patta to the said land in occupation of the petitioner temple after completion of exchange of land.

13. If the respondents are under the apprehension that the exchange of land could not be protected from encroachment, then alternately the respondents are at liberty to fix the market value of the land and the petitioner shall pay the same and thereafter the parties execute sale deed. After execution of sale deed, the respondents are directed to issue patta to the said land in occupation of the petitioner temple after execution of sale deed.

14. Accordingly, the impugned order is set aside and the directions stated supra shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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15. As far as the lease is concerned, until the exchange deed / sale deed is executed, the petitioner shall continue to pay the lease amount to the respondents. Henceforth, the respondents shall not treat the said portion of land as an encroachment. Consequently, all further proceedings under the Tamil Nadu Land Encroachment Act in respect of the said land shall stand dropped.

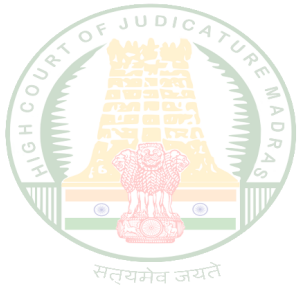
16. With the above observations, these Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.07.2026

NCC : Yes / No
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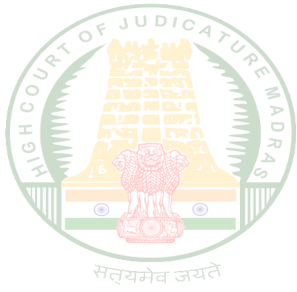
NOTE: Issue order copy on 22.07.2026.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
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DATED : 14.07.2026