

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 10-07-2026**

CORAM

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN**

**AND**

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**W.A.(MD) No. 958 of 2026**

**and**

**C.M.P.(MD)No.8442 of 2026**

G. Balasubramanyan,  
S/o. Ganesan Pillai,  
(Hereditary Trustee of Sri Manicka Vinayagar  
Temple, @ Attu Pillaiyar Kovil),  
No.13, Salai Street, Melattur 1<sup>st</sup> Sethi,  
Melattur and Post, Papanasam Taluk,  
Thanjavur District - 614 301.

..Appellant(s)

-VS.-

1.Dr.K.Subash Chandra Bose,  
S/o. Kaliyaperumal,  
No.09/20, Salai Street,  
Melattur and Post, Papanasam Taluk,  
Thanjavur District - 614 301.

2.The District Collector  
District Collector Office,  
Thanjavur - 613 010.

3.The Regional Deputy Director,  
Office of Survey Land Records, Tiruchirappalli.

4.The Assistant Director,  
Survey and Land Records,  
Thanjavur District.

5.The Tahsildar,  
Papanasam Taluk,  
Thanjavur District.



..Respondent(s)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD). No. 831 of 2026 dated 12.01.2026.

For Appellant(s): Mr.V.Elangovan

For R1 : Ms.M.Rajeswari

For R2 to R5 : Mr.S.I.Muthiah  
Counsel for State of Tamil Nadu

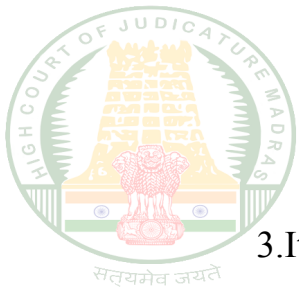
### **JUDGMENT**

**(Judgment of the Court was delivered by C.V.Karthikeyan, J.)**

The present Writ Appeal had been filed against the order of the learned Single Judge of this Court, dated 12.01.2026 in W.P(MD)No.831 of 2026, by which, the learned Single Judge had directed as follows:

*“5. In view of the above, this Court directs the fourth respondent to consider and dispose of the petitioner's representation dated 15.11.2025 for survey and demarcation on merits and in accordance with law. Notice shall be issued to the petitioner, the fifth respondent and the owners of relevant adjacent lands and appropriate orders shall be passed in accordance with Sections 9 and 10 of the Tamil Nadu Land Survey and Boundaries Act 1923, within a period of twelve weeks from the date of receipt of a copy of this order. In the event of any rival claims, the same can be agitated before the competent civil court.”*

2.It is the contention of the appellant herein, who was the 5<sup>th</sup> respondent in the aforementioned Writ Petition that the said order extracted above was passed even without hearing the appellant. The said order had been passed at the time of admission itself.



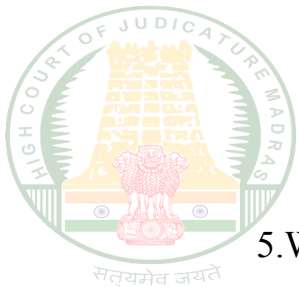
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3.It is contented that the appellant is a Hereditary Trustee of a Temple called Sri Manicka Vinayagar Temple @ Attu Puiliyar Kovil. Incidentally, the appellant had also filed a suit in O.S.No.170 of 2026 before the Principal Subordinate Court at Thanjavur seeking declaration of title and recovery of possession of the lands mentioned in the Writ Petition.

4.Since that suit had been filed, it would be extremely inappropriate on our part to express any view on the nature of holding of the appellant. That prerogative has shifted now to the Principal Subordinate Court at Thanjavur, who has to examine the relief sought on the basis of pleadings and on the basis of evidence adduced. Even the learned Single Judge had directed that the parties should agitate and settle their issues only before the civil Court. It must also be mentioned that the appellant herein had subsequently filed W.P.(MD)No.17876 of 2026 seeking a survey of the very same land. A learned Single Judge of this Court had passed the following interim order.

*“3.It has to be ascertained as to how the Temple property was subdivided and assigned to an individual. The first to fifth respondents are directed to produce the revenue records, especially those pertaining to the period prior to the assignment, before this Court.*

*4.Post this case on 06.07.2026. Until then, the survey order dated 12.01.2026 passed by this Court in W.P.. (MD)No.831 of 2026 is kept in abeyance. However, the Temple shall not, under the guise of non-survey, disturb or dispossess the sixth respondent from possession of the property.”*



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5. We are informed that the said Writ Petition has also been disposed of on 06.07.2026 directing the parties to go before the Civil Court. It is, thus, seen that the opinion of the learned Single Judges in both the Writ Petitions is that the Writ Petitioner and the appellant should settle all issues relating to the land in question only before the competent Civil Court. The appellant had filed a suit. It is now for the Principal Subordinate Court at Thanjavur to examine the pleadings and the evidence adduced and answer the issues raised. We hold that the appellant herein has to work out his remedies only before the civil Court. The survey conducted pursuant to any orders by this Court may be presented as evidence, but its analysis would be prerogative and privilege of the of the trial Court.

6. In result, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**(C.V.K.,J.) (R.S.V.,J.)**  
**10-07-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

cmr



To

1.Dr. K. Subash Chandra Bose,  
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**C.V.KARTHIKEYAN, J.  
AND  
R.SAKTHIVEL, J.**

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**10-07-2026**