



W.P.(MD)No.100 of 2015 & batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.P.(MD)No.100 of 2015
and
W.P.(MD)No.4563 of 2018
and
W.P.(MD)No.8077 of 2021
and
W.P.(MD)No.10005 of 2022
and
M.P.(MD)No.1 of 2015
and
W.M.P.(MD)No.4656 of 2018
and
W.M.P.(MD)No.6712 of 2021
and
W.M.P.(MD)No.7130 of 2022**

W.P.(MD)No.100 of 2015:-

A.Murugan,
Managing Trustee,
Arulmigu Karikottu Kandan Sastha Thiru Kovil,
Thozhikode West,
Keezhkulam Post,
Kanyakumari District.

... Petitioner

Vs.



W.P.(MD)No.100 of 2015 & batch

- 1.The District Collector,
Collectorate, Nagercoil,
Kanyakumari District.
- 2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Nagercoil, Kanyakumari District.
- 4.Rural Development Movement,
Rep. by its Vice President,
S.Emil Jeba Singh,
S/o.M. Selvanayagam
Avaravilai,
Keezhkulam Post,
Kanyakumari District.

5.Ayyappan ... Respondents
*(R5 is impleaded vide order dated 12.02.2026 in
W.M.P.(MD)No.4223 of 2020 in W.P.(MD)No.100 of
2015 by GRSJ & RKMJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 1st respondent in his proceedings in Roc No.N2/24107/2014, dated 26.12.2014 and quash the same.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.J.K.Jayaselan,
Government Advocate for R1 to R3.
Mr.S.Rajasekar for R4
Mr.V.Sasi Kumar for R5



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W.P.(MD)No.4563 of 2018:-

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Rural Development Movement,
Rep. by its Vice President,
S.Emil Jeba Singh,
S/o.M. Selvanayagam
Avaravilai, Keezhkulam Post,
Kanyakumari District.

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Nagercoil,
Kanyakumari District.
- 2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Nagercoil, Kanyakumari District.
- 4.The Assistant Engineer,
PWD, Kuzhithurai,
Kanyakumari District.
- 5.The Keezhkulam Town Panchayat,
Rep. by its Executive Officer,
Keezhkulam,
Kanyakumari District.
- 6.Arulmigu Karikottu Kandan Sastha Thiru Kovil ,
Rep. by its Managing Trustee,
A.Murugan, Thozhikode West,
Keezhkulam Post,
Kanyakumari District.

... Respondents



W.P.(MD)No.100 of 2015 & batch

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents 1 to 5 to remove the illegal encroachment made by the Respondent No.6 in Sy.No.539/1, 539/10, 11, 12 of Inyamputhanthurai Village, Keezhkulam Town Panchayat, Vilvancode Taluk, Kanyakumari District and consequently to bring back the land for the usage of public as playground and pathway as before 22.11.2013 within the time prescribed by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.J.K.Jayaselan,
Government Advocate for R1 to R3.
Mr.S.Dhayalan for R5
Mr.H.Lakshmi Shankar for R6

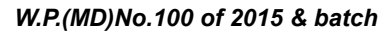
W.P.(MD)No.8077 of 2021:-

Arulmigu Karikottu Kandan Sastha Thirukovil,
Thozhicode,
Enayamputhenhurai Village,
Killiyoor Taluk,
Kanyakumari District,
Through its Present Trustee.

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.



- ... Respondents

For Petitioner : Mr.H.Lakshmi Shankar

5/16



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W.P.(MD)No.10005 of 2022:-

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Arulmigu Karikottu Kandan Sastha Thirukovil,
Thozhicode,
Enayamputhenhurai Village,
Killiyoor Taluk,
Kanyakumari District,
Through its Present Trustee.

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.
- 2.The Sub Collector / Revenue Divisional Officer,
Padamanabahapuram,
Kanyakumari District.
- 3.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.
- 4.The Joint Commissioner
Hindu Religious and Charitable Endowments,
Tirunelveli - 2.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Vadiveeswaram, Nagercoil.
- 6.Rural Development Movement,
Rep. by its Vice President,
S.Emil Jeba Singh,
S/o.M. Selvanayagam
Thozhicode, Kavuvilai,



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Enayamputhenthurai Village,
Keezhkulam Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 1st respondent in his proceedings in Roc.No.M2/24107/2014, dated 26.04.2022 and quash the same.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.J.K.Jayaselan,
Government Advocate for R1 to R5.
Mr.R.Srinivasan for R6

COMMON ORDER
(By G.R.SWAMINATHAN, J.)

The issue raised in all these writ petitions is one and the same. While three of the writ petitions have been filed by Arulmigu Karikottu Kandan Sastha Thirukovil, W.P.(MD)No.4563 of 2018 has been filed by an NGO namely, Rural Development Movement, represented by S.Emil Jebasingh.

2.The question that calls for consideration is whether the temple management is entitled to fence the property comprised in S.No.539/10, 7/16



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Enayamputhenhurai Village, Keezhkulam Town Panchayat, Vilavancode Taluk, Kanyakumari District. This village was originally part of Thiruvangoor Samasthanam. Arulmigu Karikottu Kandan Sastha Temple appears to have been established several centuries ago. Our attention was drawn to the records maintained by the erstwhile Revenue Trivangur State for Eraniel Taluk. It is seen therefrom that S.No.954 has been classified as poramboke and in the final column, the existence of Arulmigu Karikottu Kandan Sastha Temple has been specifically mentioned. It is not dispute that Old S.No.954 corresponds to New S.No.539. Since the government wanted to form a channel across S.No.539, it came to be sub-divided into S.Nos.539/1 to 539/16. The channel was formed in S.Nos.539/8 and 539/12. S.Nos.539/1, 539/10 and 539/11 have been classified as belonging to the temple. In column No.12, it has been specifically mentioned that these survey numbers belong to the temple. Of course, in Column Nos.3 and 4, it has been mentioned as government poramboke.

3.It is well settled that the land that has not been assessed to tax has been classified as poramboke. Traditionally, temple lands were not



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assessed to tax. The employment of expression “poramboke” will not make any difference. In fact, temple lands have been classified as “temple poramboke lands”. The Hon'ble Division Bench in the decision rendered in W.A.(MD)No.126 of 2022 etc batch dated 13.06.2022 had held that even if in Column No.3, it has been mentioned as Arasu / Government poramboke, that would not take away the character of the land as belonging to temple. If in column No12, the existence of temple is duly reflected.

4. We, therefore, have no difficulty in coming to the conclusion that S.Nos.539/1, 539/10 and 539/11 belong to Arulmigu Karikottu Kandan Sastha Temple. In fact, the NGO itself was fair enough in conceding this. In ground No.(g) of the affidavit filed in support of W.P.(MD)No.4563 of 2018, the NGO had conceded that as per revenue record, R.S.No.539/1, 10 and 11 with an extent of 3.57 acres is “kovil poramboke”. They, however, contest the usage of land in S.No.539/10. According to NGO, this land has been used as a pathway and for public purposes by the villagers. On account of the fencing of the land comprised in S.No.539/10, according to NGO, the traditional usage of

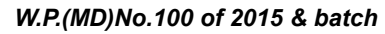


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the land was obstructed and that gave rise to law and order issues. The

NGO thereupon filed W.P.(MD)No.7333 of 2014 for removing the fence.

This Court had vide order dated 22.07.2014 directed the District Collector to consider the NGO's representation and pass an appropriate order. Pursuant to the said direction, the District Collector, Kanyakumari passed order dated 26.12.2014 directing the temple management to remove the fence. The same was challenged in W.P.(MD)No.100 of 2015 by the trustee. To enforce the said order, the NGO filed W.P.(MD)No.4563 of 2018. Since there was change of trustee, the new trustee filed W.P.(MD)No.8077 of 2021 questioning the very same order dated 26.12.2024. Status quo orders were granted in the writ petitions filed by the temple management. However, the local legislators took up the issue and threatened to stage dharna. Law and order problems erupted. Hence, the District Collector convened a peace committee meeting. The District Collector came to the conclusion that considering the usage of the land by the local villagers, S.No.539/10 had to be further sub-divided and reclassified as pathway. To this effect, order dated 26.04.2022 was passed. Challenging the same, W.P.(MD)No.10005 of 2022 was filed by the temple management.





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temple. During the time of Resurvey in 1976, a single plot is divided into five plots as 539/1, 8, 10, 11, 12 and 13. In Resurvey No 539/1 name of the temple is available and however sub number 8 of 539 was wrongly classified as PWD channel named as "Sitrur Pattanam Channel" Earlier in the year 1972 the channel was formed through the old survey no:954 of Keezhkulam Village pursuant to the land acquisition and the award vide Award No.14/68-69. As such the whole 3 acre 70 cents was divided into two north and south and the channel is running west to east. The Land Survey Settlement Register for the Resurvey no: 539/8 would show the property acquired stood in the name of temple.

7) It is also humbly submitted that the averments stated in paragraphs 8 and 9 of the affidavit are admitted, and the entire 3 acre 70 cents divided into two plots and the whole area comprised in Resurvey No: 539/1, 11 and 13 are lying on the north of the "Sitrur Pattanam Channel" wherein the temple is available and the whole area comprised in Resurvey No: 539/10 is lying on the south of the "Sitrur Pattanam Channel" and the same is being utilized by the people who maintained the temple as cow shed (Kosala) and for storing cow dung; as such the entire property is under the control and enjoyment of the said temple which is under the administrative control of Tamil Nadu H.R & C.E. Department.

10) It is submitted in a reported judgement the Hon'ble Apex Court (2007-7-SCC-482) it was held that "The properties of deities, temples and Dewasuo Boards, require to be protected and



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safe guarded by their trustees/archakas/shebaites/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Dewasuom Boards have usurped and this appropriated such properties by setting up false claims of ownership or tenancy or adverse possession. This is possible only with the passive or active collusion of the authorities concerned. Such acts of 'Fences eating the crops should be dealt with stumpy. The Government, members or trustees of boards/trusts, and devotees should be vigilant to prevent any such usurpation of encroachment. It is also the duty of the courts to protect and safeguard that the properties of religious and Charitable Institutions from wrongful claims or mis-appropriation". Further the deity is minor in the eye of law and the same was reiterated by the Judicial Pronouncement in numerous occasion. Hence, it is also the duty of the Court to protect the interest of the properties belongs to the deity."

7.Once the character of the land as belonging to the temple is admitted, the right of the temple to fence the property cannot be questioned by the District Collector and that therefore, the District Collector had no right or authority to touch the temple land. If according to the District Collector, the interest of 95 villagers would be better served by conferring them the right of access through S.No.539/10, the only course of action open to the district administration is to acquire the



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temple land after paying appropriate compensation. Without doing so, the District Collector could not have directed for sub-division and formation of a public road in S.No.539/10. This is nothing sort of usurpation of the temple land. We have no hesitation in coming to the conclusion that the District Collector probably wanted to pander to local sentiments and thought that he can sacrifice the temple interest at this alter. We set aside the orders dated 26.12.2014 and 26.04.2022 passed by the District Collector, Kanyakumari District.

8.In this view of the matter, W.P.(MD)No.100 of 2015 and W.P.(MD)No.10005 of 2022 are allowed, W.P.(MD)No.8007 of 2021 is closed and W.P.(MD)No.4563 of 2018 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (R.K.M. J.)
12.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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To:

- 1.The District Collector,
Collectorate,
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- 2.The Revenue Divisional Officer,
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Nagercoil, Kanyakumari District.



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G.R.SWAMINATHAN, J.
and
R.KALAIMATHI, J.

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W.P.(MD)No.100 of 2015
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