

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 06.07.2026**

**CORAM :**

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN  
and  
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**W.P(MD)No.18856 of 2026**

C.Kesavan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Tourism Culture And  
Religious Endowments Department,  
Secretariat, Chennai - 600 009.
  - 2.The Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Nungampakkam, Chennai - 600 034.
  - 3.The District Collector,  
Nagercoil - 629 001,  
Kanniyakumari District.
  - 4.The Joint Commissioner / Executive Office,  
Kanniyakumari District Temples,  
Suchindram - 629 704,  
Kanniyakumari District.
- ... Respondents

**Prayer :** Writ Petition (Public Interest Litigation) filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made in the land belonging to



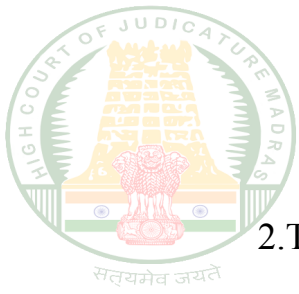
Ramanallur Sri Sastha Kavu Temple situated in Survey No.106/1, Aattur Village, Thiruvattar Taluk, Kanyakumari District, so as to have proper access to the devotees to go to the temple and to have regular poojas and rituals in the temple.

For Petitioner : Mr.K.Ragatheesh Kumar  
for M/s.Isaac Chambers  
For Respondents : Mr.S.I.Muthiah (R1 to R3)  
State Counsel  
Mr.R.Shankar Ganesh (R4)  
Standing Counsel

### **ORDER**

(Order of the Court was made by **C.V. KARTHIKEYAN, J.**)

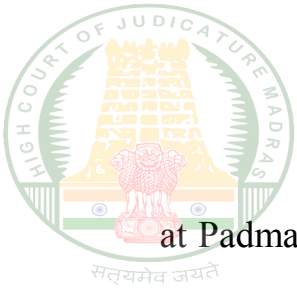
The writ petition had been filed in the nature of Public Interest Litigation seeking a mandamus as against the respondents 1 to 4, Officials of the Hindu Religious and Charitable Endowments Department and also the District Collector of Nagercoil, Kanyakumari to remove alleged encroachments made in the land belonging to Ramanallur Sri Sastha Kavu Temple in Survey No.106/1 of Attoor Village, Thiruvattar Taluk, Kanyakumari District. The petitioner claims that if encroachments are removed, the devotees would have access to the temple and there could be regular poojas and rituals conducted in the temple.



2.This is not the first time the petitioner had come to Court. He had occasion to file earlier writ petitions of similar nature and coordinate Division Benches have issued directions.

3.It was found that the title of the land, which according to the petitioner was with the Hindu Religious and Endowments Board, was questioned and challenged by those who were in occupation. This necessitated the Joint Commissioner /Executive Officer of Kanyakumari District Thiruvattar at Suchendram to institute a suit in O.S.No.9 of 2019 before the District Munsif Court at Padmanabhapuram. That suit had been filed seeking a declaration that the plaintiff therein is the owner of the suit property and for recovery of possession. The property mentioned therein is also the very same property which is the subject matter of the present writ petition. That suit also concerns with the very same temple. The pleadings have been completed in the said suit. At the time when the suit was posted for trial, impleading applications had been filed and the trial got frustrated.

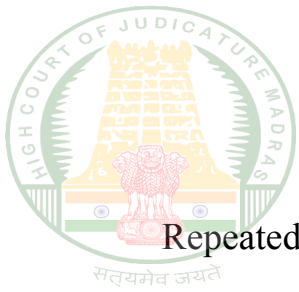
4.It is seen that by some method or the other, there is no finality being obtained in O.S.No.9 of 2019. When the pleadings had been completed and necessary issues had been framed, it is only appropriate that the District Munsif



at Padmanabhapuram is encouraged to proceed further in the manner known to law to dispose of O.S.No.9 of 2019. The filing of this petition would only play on the mind of the District Munsif and the trial proceedings would get further frustrated and further delayed.

5.The learned Counsel for the petitioner claimed that the relief now sought is to conduct poojas, but the prayer in the writ petition is not just that, it is also to remove the encroachments, which could be done only when the temple is declared to be the owner of the property. Seeking such declaration, the suit is pending. It is only when such declaration has been obtained, removal of encroachment can be sought. In the suit, recovery of possession had also been sought. So practically the relief sought in the present writ petition and in the suit are one and the same. There cannot be two separate judicial forums examining the same issue. The petitioner ostensibly claims that they must be conduct poojas and other rituals, but that direction could be given only when there is a declaration over the land.

6.The earlier writ petition had been filed by the Trust, namely Athikesava Bhaktharkal Seva Trust seeking the same relief in W.P.(MD)No.18498 of 2018 and by an order dated 24.08.2018. The same had also been disposed of.



Repeated filing of the writ petitions of similar nature couching the relief sought slightly differently are only attempts to frustrate the progress of the suit.

7. In view of those reasons, we are not inclined to entertain the writ petition. We permit the District Munsif Court, Padmanabhapuram to proceed further in the manner known to law in O.S.No.9 of 2019 and we hope that there are no more impleading applications or any more obstacles presented by anybody, whether interested or disinterested, to proceed further in the suit in accordance with law. The writ petition stands dismissed. There shall be no order as to costs.

[C.V.K, J.] [R.S.V, J.]  
06.07.2026

Index : Yes  
Neutral Citation : Yes  
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2. The Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Nungampakkam, Chennai - 600 034.



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**C.V. KARTHIKEYAN, J.  
AND  
R.SAKTHIVEL, J.**

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