



WA(MD)No.1095 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.07.2026

CORAM

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR JUSTICE R.SAKTHIVEL**

WA(MD) No.1095 of 2026 and CMP(MD) No.9799 of 2026

1. Balakrishnan @ Ramasubramani S/o, Ramasubramanian Iyer, 2/107, Agraharam Street, Samayanallur Post, Madurai North Taluk, Madurai District.
2. Thavudan Alias Shanmuganathan Not Known to the Petitioner, Samayanallur, Madurai North Taluk, Madurai District.

...Appellants

- Vs. -

1. Malarthangam W/o.Muralitharan, Kalaivanar Nagar, Samayanallur, Madurai District.
2. The District Collector, Madurai District.
3. The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai, Madurai District.
4. The Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Madurai, Madurai District.
5. The Deputy Superintendent Of Police,, Samayanallur, Madurai District.



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6. The Revenue Divisional Officer,,
Madurai South Taluk, Madurai District.

7. The Tahsildhar,
Madurai South Taluk, Madurai District.

8. The Manager,
Sivagangai Samasthanam Devasthanam, Arulmigu Meenakshi
Sundaraeswarar Temple Annabisega Kattalai, Sivagangai, Madurai Region.

9. The Inspector of Police,
Samayanallur Police Station, Madurai District.

... Respondents

Prayer in WA(MD). 1095/ 2026 :Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by order dated 23-07-2025 in W.P.(MD) No.19605 of 2025.

For Appellant	: Mr.V.R.Shanmuganathan
For Respondents	: Mr.G.Prabhu Rajadurai for R1 for Mr.C.Senthil Murugan Mr.S.Manohar for R8 Mr.M.P.Senthil for R2 and R3 Mr.P.Vetrivel for R5 and R9

JUDGMENT

(Judgment of the court was delivered by C.V.KARTHIKEYAN, J.)

The 9th and 10th respondents in WP(MD) No.19605 of 2025 aggrieved by the order of the learned single Judge dated 23.07.2025 has filed the present writ appeal.



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2. The said writ petition had been filed by the first respondent herein in the nature of a mandamus seeking direction against the 2nd and 3rd respondents, namely, the District Collector, Madurai and the Joint Commissioner, HR&CE at Madurai to take appropriate action in accordance with Section 79 of the HR&CE Act, 1959 with respect to the land in S.No. 131/3 measuring an extent of 2.48 acres at Samayanallur Village, Madurai South Taluk in Madurai as against the present appellants. The said land had been leased out for அன்னாபிஷேகம் கட்டளை (Annabhishegam Kattalai) to the writ petitioner by proceedings of the Sivagangai Samasthanam dated 28.10.2024 in Na.Ka.No.D4 1915/2024. It is claimed that the writ petitioner was cultivating the lands and was in occupation. He further raised an objection that the present writ appellants are interfering with his possession. It was under these circumstances, he had sought necessary action to be initiated under Section 79 of the said Act against the appellants herein. The learned Single Judge in his order stated as follows:

“2.It appears that the seventh respondent has leased the property to the petitioner. However, according to the petitioner; respondent Nos.9 and 10 have encroached upon the property based on a purported Cowle deed, on 03.02.1923, which allegedly granted the right of permanent



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occupation/permanent tenancy to the predecessor of the private respondents.

3.It is submitted that, subsequent to the enactment of Act 30 of 1963, the said Cowle deed was nullified by proceedings dated 06.12.1969. In view of the same, the petitioners representations dated 26.05.2025 and 14.06.2025 deserve to be considered by the seventh respondent.

4.Under these circumstances, there shall be a direction to the respondent No.7 to consider the petitioners representation and to take appropriate action after due notice to the private respondents in accordance with law. The exercise shall be initiated within a period of six weeks from the date of receipt of a copy of this order.”

3. The learned counsel for the writ appellants raised a grievance that the appellants have filed a suit, which is pending and he also further stated that there cannot be a direction against the Sivagangai Samasthanam to take appropriate action and that the competent authority is only the Joint Commissioner, HR&CE at Madurai. This fact has to be taken in accordance with its credentials.



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4. We accordingly modify the direction issued by the learned single

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Judge that necessary action should be initiated by the Joint Commissioner on receipt of the representation by the Sivagangai Samasthanam, which should be forwarded to the Assistant Commissioner, Madurai and thereafter on subjective satisfaction, the Joint Commissioner shall take appropriate action in accordance with the procedure as contemplated under Section 78 of the HR&CE Act.

The writ appeal stands disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

(C.V.K.,J.) (R.S.V,J.)
29.07.2026

RR

To

- 1.The District Collector, Madurai District.
2. The Deputy Superintendent Of Police,, Samayanallur, Madurai District.
3. The Revenue Divisional Officer,, Madurai South Taluk, Madurai District.
4. The Tahsildhar, Madurai South Taluk, Madurai District.



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