



W.P.(MD).Nos.26196 to 26200 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.11.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).Nos.26196 to 26200 of 2022
and

W.M.P.(MD).Nos.20367, 20370, 20376, 20368 and 20369 of 2022

Kamalam	.. Petitioner in W.P.(MD) No.26196/2022
R.Angusamy	.. Petitioner in W.P.(MD) No.26197/2022
A.Manimegalai	.. Petitioner in W.P.(MD) No.26198/2022
Muneeswari	.. Petitioner in W.P.(MD) No.26199/2022
Raman Andi	.. Petitioner in W.P.(MD) No.26200/2022

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai District.



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3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Paramakudi,
Ramanathapuram District.

4. The Executive Officer,
Arul Migu Suyampirakasa Eswarar Thiru Kovil,
Iluppaikudi,
Karaikudi Taluk,
Sivagangai District.

.. Respondents in all the Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus, calling for the records pertaining to the impugned Notices in Na.Ka.Nos.29/1432-2022, 50/1432-2022, 25/1432-2022, 40/1432-2022, 21/1432-2022, dated 12.09.2022 on the file of the respondent No.4 and quash the same.

For Petitioner in all: Mr.S.Rajasekar
the Writ Petitions for M/s.Lajapathi Roy

For Respondents in: Mr.P.Subbaraj
all the Writ Petitions Special Government Pleader for R1 to R3

: Mr.K.Ramesh Durairaj for R4



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COMMON ORDER

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(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The Writ Petitions are filed challenging the notice issued under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. The facts in nutshell placed before us reveal that the portion of the subject property, which belonged to Arulmigu Suyamprakasa Esuvara Temple, Iluppakudi, Sivagangai District, was alienated in favour of a Co-operative Society, who in turn formed an approved layout and sold the residential/non-residential plots to third parties. In respect of the said portion of the property alienated by the Temple, the learned counsel for the Temple made a submission that they have no claim over the said portion of the property. As far as the balance portion of the subject property is concerned, dispute exists between the Temple and Karaikudi Municipality. The Municipality also claims right over the property and issued notice to evict the encroachers and to demolish the unauthorised constructions made



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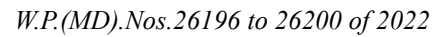
in the property sold by the Temple in favour of the Co-operative Society.

These two set of aggrieved persons are before us.

3. As far as the layout formed by the Co-operative Society is concerned, Writ Petitions have been instituted to demolish the unauthorised constructions put up in the said property. As far as the notice issued by the competent authority of the Act is concerned, a batch of Writ Petitions were filed and the Division Bench of this Court upheld the notice issued by the competent authority to demolish the unauthorised constructions put up in the layout formed by the Co-operative Society.

4. The issues raised between the parties were adjudicated and the Division Bench of this Court in a batch of Writ Petitions in W.P.(MD).Nos. 9668 to 9681 of 2009 etc., batch considered and passed an order on 12.10.2009. Therefore, re-adjudication of those issues became unnecessary.

5. Regularisation of unauthorised constructions are impermissible and there is no rule to regularise the unauthorised constructions. In the event of



6. In view of complex nature of facts and circumstances and considering the fact that several orders were passed by this Court to demolish the unauthorised constructions and evict the encroachers, we are inclined to pass the following orders:

(i) The Municipal Commissioner, Karaikudi Municipality, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai and the Tahsildar, Karaikudi along with the Taluk Surveyor shall conduct a joint survey in respect of the entire subject property within a period of two weeks from the date of receipt of a copy of this order.

(ii) The portion of the property sold by the Temple to the Co-operative Society may be demarcated and illegal/unauthorised constructions therein are directed to be demolished within a period of four weeks from the date of completion of joint survey.

(iii) In respect of the claim of the Temple, the competent authorities under the Hindu Religious and Charitable Endowments Act are directed to



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initiate appropriate actions under the provisions of the Hindu Religious and Charitable Endowments Act and by following the procedures.

(iv) With reference to the encroachments, the competent authorities are directed to evict the encroachers within a period of four weeks from the date of completion of joint survey.

7. The respondents/competent authorities concerned are directed to comply with this order within the time limit as stipulated by this Court. In the event of failure, further actions are to be initiated, since several orders have been passed by this Court to demolish the unauthorised constructions and to remove the encroachments.

8. Accordingly, all the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
17.11.2023

NCC : Yes / No
Index : Yes / No
SJ



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