



**W.P(MD)No.23669 of 2018**

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

**WEB COPY**

**DATED: 29.02.2024**

**CORAM :**

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
AND  
The HON'BLE MR.JUSTICE P.DHANABAL**

**W.P(MD)No.23669 of 2018  
and W.M.P.(MD)No.309 of 2019**

**R.Arun**

**... Petitioner**

**Vs.**

- 1.The Secretary to Government,  
State of Tamilnadu,  
Hindu Religious and Charitable Endowment Board,  
Secretariat, Fort.St.George, Chennai-9.
- 2.The Commissioner,  
Hindu Religious and Charitable Endowment Board,  
Nunkambakkam High Road,Chennai-34.
- 3.The District Collector,  
Madurai District,  
Madurai.
- 4.The Commissioner of Police,  
Madurai City, Madurai.
- 5.The Commissioner,  
Madurai Corporation, Madurai.
- 6.Muthumani

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7. The Proprietor,  
Nagappa Mani Nagappa Motors Bungalow,  
Deputy Collector Colony 7<sup>th</sup> Street,  
Lake View Area, K.K.Nagar, Madurai-20.

8. Sait

9. The Proprietor,  
Navap Biryani, Lake View Area,  
K.K.Nagar, Madurai-20.

10. Vengatesh Subramaniam

11. B.K. Gananathan

.. Respondents

(R11 impleaded as a party respondent vide Court  
order dated 05.12.2019 made in W.M.P.(MD)No.9632/2019  
in W.P.(MD)No.23669/2018)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents No.1 to 5 to remove the encroachment of the Temple property and illegal construction of buildings comprised in Block No.3 in Survey No.26, Old Survey No.2/6 extent about 0.455.5.sq.meter, 2) Survey No.27, Old Survey No.2/7 extent 0.323.05 sq.meter 3) Survey No.29, Old Survey No.2/9 extent of 0.467.00 sq.meter, 4) Survey No.30, Old Survey No.2/10A, extent of 3698.5 sq.meter 5) Block No.5, Survey No.87, Old Survey No. 5/2A2, 5B, 6A extent 0407.5 sq.meter situated at Managiri Village, Deputy Collector Colony, 7<sup>th</sup> Street, K.K.Nagar, Madurai – 20 made by the respondents No.6 to 10 by taking necessary action on the basis of the petitioner's representation dated 26.02.2018 within a time frame to be stipulated by this Court.



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For Petitioner : Mr.K.Neelamegam

For Respondents : Mr.N.Satheesh Kumar,  
Addl. Government Pleader for R1 to R4  
Mr.S.Vinayak for R5  
Mr.T.R.Subramanian for R11  
No Appearance for R7

**ORDER**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

Heard the learned counsel for the petitioner, the learned Advocate for respondent No.11 and the learned Additional Government Pleader for respondent Nos.1 to 4.

2. The petitioner alleges encroachment on the temple lands. It is not disputed that the temple is under Hindu Religious and Charitable Endowment Department.

3. According to the learned Advocate for respondent No.11, the said land in question is not temple lands but it is a private land, wherein among the family members settlement has also been arrived at. He also contends that the temple in question is not under the Hindu Religious and Charitable Endowments Department.



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4. As it is contended that the temples are under the Hindu Religious and Charitable Endowment Department and an endowment exists, in that case, if the Hindu Religious and Charitable Endowment Department is of the view that there is an encroachment on the property, then the Hindu Religious and Charitable Endowment Department has got power under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1986 to take further steps. For removal of encroachment, enquiry is contemplated. If the notices are issued to the said persons, the persons to whom the notices are issued will also have an opportunity to put forth their case, which certainly would be considered by the Hindu Religious and Charitable Endowments Department before proceeding further.

5. Hindu Religious and Charitable Endowment Department may take steps under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1986, to protect the property in case, it is of temple. The enquiry of the proceedings may be initiated within six months from today.



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6. This Writ Petition stands disposed of. No costs. Consequently,  
connected miscellaneous petition is closed.

**(S.V.G., CJ.)**

**(P.D.B., J.)**

**29.02.2024**

NCC : Yes/No  
Index : Yes/No  
vsm

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**THE HON'BLE CHIEF JUSTICE**  
**and**  
**P.DHANABAL, J.**

vsm

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