



WEB COPY



W.P.No.5081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.5081 of 2023
and W.M.P.Nos.5103 and 5104 of 2023**

Arulmighu Kariyakaliamman Thirukovil,
Represented by its Hereditary Trustee A.P.Balaswamy,
Alathur (P.O), Avinsasi Taluk,
Seiyur (Via),
Tiruppur-641 604.

... Petitioner

Vs.

1. The District Collector,
Tiruppur-641 604.
2. The Commissioner,
Hindu Religious and Endowment Board,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai-600 034.
3. The Joint Commissioner,
Hindu Religious and Endowment Board,
Tiruppur Regulated Market Complex,
First Floor, Tiruppur-Palladam Road,
Town Extension, Tiruppur-641 604.



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4.The Revenue Divisional Officer,
Alathur Village Panchayat,
Avinashi-641 654.

5.Tahsildar,
Alathur Village Panchayat,
Avinashi-641 654.

6.Block Development Officer,
Alathur Village Panchayat,
Avinashi-641 654.

7.Deputy Block Development Officer,
Alathur Village Panchayat,
Avinashi-641 654.

8.Village Administrative Officer,
Alathur Village Panchayat,
Avinashi-641 654.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the proceedings of the first respondent in proceedings dated 17.09.2022, Na.Ka.No.4847/2021/A7 and quash the same and forbear the respondents, their men, their agents and anyone claiming under them from using the petitioner temple lands without following the due process of law.

For Petitioner : Mr.Mukunth for
M/s.Sarvabhauman Associates

For Respondents : Mr.S.Ravichandran
Additional Government Pleader



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(HR & CE) for R2 and R3
Mr.T.M.Rajangam
Government Advocate for R1, R4 to R8

ORDER

This Writ Petition has been filed challenging the proceedings in Na.Ka.No.4847/2021/A7 dated 17.09.2022 issued by the first respondent, and for a consequential direction to forbear the respondents, their men, their agents and anyone claiming under them from using the petitioner temple lands without following the due process of law.

2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as Hereditary Trustee of Arulmighu Kariyakaliamman Temple, vide proceedings dated 01.12.1977, in R.P.No.312 of 1976 and the Temple comes under the purview of the Tamil Nadu Hindu Religious Charitable and Endowment Board. While so, the first respondent passed the impugned order dated 17.09.2022 permitting constructions for (Rashtriya Gram Swaraj Abhiyan) RGSA Scheme in rural areas. Pursuant to the same, the sixth respondent has passed an order on 08.11.2022 issuing contract for construction of panchayat building on the



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chosen lands for implementing the scheme which includes the land belonging to the Temple. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that the District Administration without verifying the title to the property arrived at a decision that the land belonging to the Temple was classified as temple poramboke, and decided to construct panchayat building which is contrary to Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act and the judgment rendered by the Hon'ble Division Bench of this Court in W.A.Nos.126, 129, 199, 203, 64 and 72 of 2022, wherein, it has been held that landed property cannot be utilized for any other purpose by Government or Quasi Government Authorities and the same can only be utilized by the Temple alone.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate for the respondents 1, 4 to 8 and the learned Additional Government Pleader appearing for the respondents 2 and 3.



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5. In the present case, there is no material to show that the subject property belongs to the Government, whereas, on the other hand the Temple has documents to show that the property belongs to the Temple. Therefore, without verifying the title to the property, the respondents are barred from passing any order under Section 34 of the Act. Hence, the impugned proceedings dated 17.09.2022 passed in Na.Ka.No.4847/2021/A7 by the first respondent is set aside. However, liberty is granted to the first respondent to follow the procedure contemplated for construction of the building. There shall be no order as to costs. Connected miscellaneous petitions are closed.

15.10.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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