



W.P.No.7665 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7665 of 2025

and

W.M.P.No.8599 of 2025

Shri.Dnyanraj Manik Prabhu,
S/o Shri Siddharaj Manik Prabhu,
Rep.by its General Power Attorney,
Shri Anandraj Manik Prabhu,
Peethadhipati of Manik Prabhu Samsthan and
Spiritual Head of Shri Manik Prabhu Temple,
Maniknagar, Bidar District,
Karnataka Stat 585 353.

.. Petitioner

/versus/

1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Culture and
Religious Endowment Department (HR & CE),
Fort St.George Chennai 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.



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3.The Idol of Arulmighu Kamakala Kameshwarar Thiru Koil,
Rep.by its Executive Office (HR & CE),
Raja Hanumantha Lalal Street,
Triplicane, Chennai 600 005.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 2 and 3 to remove the semi pucca construction and the board installed on the subject the property bearing No.28, Hanumantha Lala Street, Triplicane, Madras and 8C, Pycroft's Road, Triplicane, Madras (Old No.1 and 2, Raja Hanumantha Lala Street, Triplicane, Madras)now Chennai and also to remove the lock applied on the main gate over the said property.

For Petitioner :Mr.N.A.Nissar Ahamed
Senior Counsel Asst.by
Mr.Kabeer Ahamed

For Respondents :Mr.N.R.R.Arun Natarajan
Spl. Government Pleader (HR & CE)

ORDER

The writ petition is filed for issuance of a Writ of Mandamus directing the respondents 2 and 3 to remove the semi pucca construction and the board installed on the subject property bearing No.28, HanumanthaLala

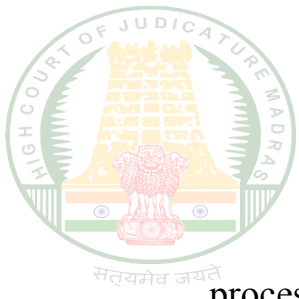


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Street, Triplicane, Madras and 8C, Pycroft's Road, Triplicane, Madras (Old No.1 and 2 Raja HanumanthaLala Street, Triplicane, Madras) now Chennai and to remove the lock applied on the main gate over the said property.

2. The grievance of the petitioner is that, the petitioner is a trustee representing a Charitable Trust. While so, the third respondent temple filed a suit in C.S.No.921 of 1999 claiming declaration of title and recovery of possession in respect of the suit property and the said suit was decreed. The trust filed an appeal in O.S.No.272 of 2011 in which also the decree was confirmed. However, there are also observations with reference to the nature of the property as if it is the trust property. The said matter was carried in appeal to the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India in C.A.No.8374 of 2024 also confirmed the decree *vide* its judgment dated 13.09.2024. While so, without filing any execution petition to execute the decree, clandestinely and high-handedly, the respondent authorities entered in to the property and erected board and also put up the lock. Their actions are illegal. The possession shall be taken only by due



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process of law. The same is not followed.

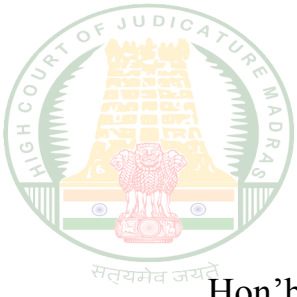
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3. The learned Senior Counsel would submit that even a trespasser is entitled to notice and a person in settled possession cannot be dispossessed except by way of due process of law.

4. The learned Special Government Pleader would submit that it can be seen that the decree has been confirmed up to the Hon'ble Supreme Court of India. In view thereof, to safeguard the temple property, the board has been put up and gate is locked. As on date the temple is in possession of the property.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It can be seen that the temple has filed the suit claiming title to the property and also for recovery of possession. The suit was decreed up to the



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Hon'ble Supreme Court of India. Therefore, as on date, the petitioner or the trust, that the petitioner represents, is bound by the said decree declaring that the property belongs to the temple and directing them to vacate and handover the possession to the temple. The only question to be determined is, whether the respondents authorities have to file an execution petition and enter into the property. Though under normal circumstances, the third respondent temple should file execution petition and execute the decree, in this case, admittedly, the land is a vacant land. Therefore, the possession runs along with title.

7. Therefore, considering the extraordinary circumstances and the principles that the extraordinary remedy under Article 226 of the Constitution of India cannot be extended to a person, who is in violation of the decree, that was confirmed upto the Hon'ble Supreme Court of India, I am not inclined to entertain the submissions made by the learned Senior Counsel appearing on behalf of the petitioner.



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8. In view thereof, no relief can be granted to the petitioner.

Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

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Netural citation:no
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To:

1.The Principal Secretary,
The State of Tamil Nadu,
Department of Culture and
Religious Endowment Department (HR & CE),
Fort St.George Chennai 600 009.

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