



W.P.No.16378 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

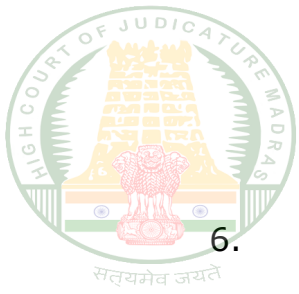
W.P.No.16378 of 2025

Chenniyappan

Petitioner

vs.

1. The State represented by
The District Collector
O/o.District Collector
Erode District
Erode
2. The Tahsildar
Tahsildar Office
Modakurichi Block
Erode District
3. Jayanthi
4. The Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department
No.119, Uthamar Gandhi Salai
(previously Nungambakkam High Road)
Nungambakkam
Chennai 600 034
5. The Joint Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department
Erode



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6. The Assistant Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department
Erode

Respondents

(RR 4 to 6 *suo motu* impleaded by Court on 04.06.2025)

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents to take
action pursuant to the petitioner's representation dated 10.02.2025.

For petitioner Mr. R. Thirumoorthy

For RR 1 and 2 Mr. T.K. Saravanan
Addl. Govt. Pleader

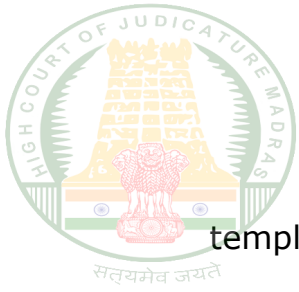
For RR4 to 6 Mr. S. Ravichandran
Addl. Govt. Pleader (HR & CE)

ORDER

[made by M.SUNDAR, J.]

The kernel of the captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) is a 'representation dated 10.02.2025 sent by the writ petitioner to RR 1 and 2' (hereinafter 'said representation' for the sake of convenience and clarity). Captioned WP is predicated on said representation.

2. Mr. R. Thirumoorthy, learned counsel on record for writ petitioner, advertng to the said representation, submits that there is a



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temple which goes by the name 'Madurai Veeran Thirukkovil' (hereinafter 'said temple' for the sake of convenience and clarity) in 'Old Survey No.1742/7 Part (New Survey No.1542/7), 48, Thuyyampoondurai Village, Modakkurichi Taluk, Erode District' (hereinafter 'said land' for the sake of convenience and clarity). Learned counsel submits that the private respondent (R3), along with some others, has unilaterally laid a road in said land belonging to the said temple and that the road has been laid (by encroaching upon the said land belonging to the said temple) for the purpose of creating access to a layout which goes by the name 'Vijay Garden' housing site layout. Learned counsel submits that the said representation has not evoked any response and that has necessitated the captioned WP with a mandamus prayer.

3. Issue notice to RR 1 and 2 (official respondents).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 and 2 and submits, on instructions that measuring and survey of said land has to be made at the first instance.

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5. Be that as it may, as regards temples, this Court has, time and again, held that in the light of sub-section (1) of Section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) (hereinafter 'TN HR & CE Act' for the sake of brevity), all temples are public temples, unless exempted under Section 4 or declared as private temples. Taking judicial cognizance of the presence of said temple, we *suo motu* implead the following authorities as RR 4,5 and 6 respectively:

1. The Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department
No.119, Uthamar Gandhi Salai
(previously Nungambakkam High Road)
Nungambakkam
Chennai 600 034
2. The Joint Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department
Erode
3. The Assistant Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department
Erode

6. Mr. S. Ravichandran, learned Additional Government Pleader for HR & CE Department, accepts notice for newly impleaded RR 4 to 6.

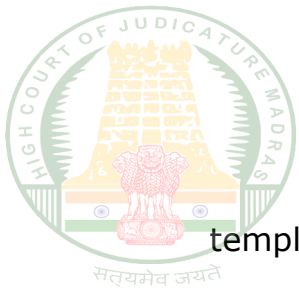
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7. We direct RR 4 and 5 to appoint a Fit Person *qua* said temple. Appointment of Fit Person is a transitory provision under the TN HR & CE Act. In this view of the matter, we make it clear that all the rights and contentions of writ petitioner and/or any other similarly placed person/s are preserved for staking their claim to be part of the administration of said temple in accordance with the provisions of the TN HR & CE Act. If such a claim is made, the same shall be considered on its own merits and in accordance with law. It will also be open to writ petitioner and/or any other similarly placed person(s) to suggest a person to seek appointment of Trustees *qua* said temple under the TN HR & CE Act.

8. Reverting to said representation, in the interregnum, measuring and survey of said land shall be made by R2 (Tahsildar) within eight weeks from today *i.e.*, on or before 30.07.2025, after putting on notice, the writ petitioner, R3 and Fit Person of said temple to be appointed. In this regard, we make it clear that this order does not touch upon the rights and contentions of R3. On the contrary, all the rights and contentions of R3 as regards participation in the measuring/survey and any other proceedings *qua* said land/said



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temple stand preserved. Therefore, we dispense with notice to R3 and take up the captioned WP with the consent of the learned State counsel and learned counsel for writ petitioner.

9. After measuring and surveying in the aforesaid manner, R2 shall draw up a report and if any encroachment is found in the survey report, R6 shall draw up a report *inter alia vide* Section 78 of the TN HR & CE Act and proceedings under Section 78 of the TN HR & CE Act shall be kickstarted. At the risk of repetition, we hold that all rights and contentions of writ petitioner, R3 and other similarly placed persons are preserved when such proceedings are kickstarted. If encroachment is found, kickstarting/commencing such proceedings will be within four weeks from 30.07.2025 *i.e.*, on or before 27.08.2025. It will be open to the writ petitioner, R3 and Fit Person to be appointed, to be present at the time of measuring and survey by R2.

Captioned WP stands disposed of in the manner set out in paragraphs 7 to 9, *supra*. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
04.06.2025

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To

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Erode District
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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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