



W.P.No.9696 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9696 of 2025
and
W.M.P.No.10878 of 2025

R.Gouthaman, (M/A 44 years)
S/o P.Rasu,
Mariamman Koil Street, Nemili Road,
Kilvelur Taluk,
Nagapattinam District.

.. Petitioner

/versus/

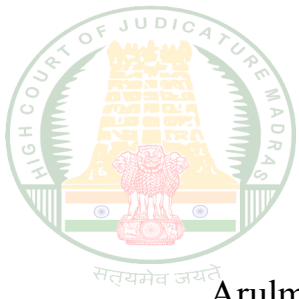
1.The District Collector,
Nagapattinam,
Nagapattinam District.

2.The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

3.The Tahsildar,
Kilvelur Taluk,
Nagapattinam District.

4.The Executive Officer,

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Arulmigu Atchayalinga Swamy Thirukoil,
Kilvelur Nagar & Taluk,
Nagapattinam District.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 12.02.2025, issued by the fourth respondent and to quash the same as arbitrary and illegal and to pass an further direction to the first respondent to direct the second respondent and third respondent not to act on the proposal made by the fourth respondent herein.

For Petitioner :Mr.R.Naresh Kumar

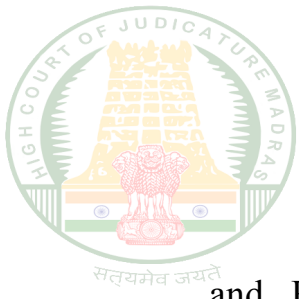
For Respondents :Mr.V.Balamurugan, GA for R1 to R3
Mr.K.Karthikeyan, GA (HR &CE) for R4

ORDER

This writ petition is filed against the impugned order dated 12.02.2025.

2. By the said impugned order, it is mentioned that the property in question belongs to the temple. It was given on lease to one K.Subramanian

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and R.Krishnamoorthy for cultivation. Now it has been decided to discontinue the lease and give it to the School for establishing the ground for the children. Therefore, the petitioner, who is in occupation presently, is ordered to surrender the possession and it is stated that further proceedings in accordance with law will be taken. Aggrieved by the same, the petitioner is before this Court.

3. The learned Counsel for the petitioner would submit that the respondent themselves admit that the petitioner is now cultivating the property. The petitioner has been paying the rent. His name is entered into in the Adangal. Therefore, the impugned order cannot be passed.

4. I have also heard the learned Government Advocates appearing on behalf of the respondents authorities. The impugned order is a demand/request that is made by the Temple before taking action in accordance with law. If the petitioner feels that he has gone a defence, as and when the proceedings are taken under Sections 78 and 79 of the Tamil Nadu Hindu



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Religious and Charitable Endowments Act, 1959, he can raise all his defences, which will be considered on its own merits and further order will be passed.

5. Therefore, the impugned order merely request the petitioner to vacate the land and surrender possession. No writ petition can be entertained as against the same. Therefore, keeping liberty of the petitioner to raise all his defense as and when further proceedings are taken to secure possession, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

25.03.2025

Neutral citation:no
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To

1.The District Collector,
Nagapattinam,
Nagapattinam District.

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