



WEB COPY



W.P.No.15237 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **P.DHANABAL**

W.P.No.15237 of 2021
and
W.M.P.No.16131 of 2021

1. Andi Pillayar Kovil (Andi Kulam Pillayar Kovil)
Represented by its Hereditary Dharmakartha
Mr.Elavarasan
 2. Chelladurai
S/o. Sepperumal
 3. Chandrasekaran
S/o. Sivasamy
 4. Chandrahasan
S/o. Ulaga Padayachi
 5. Pichaipillai
S/o.Periyasamy
- ... Petitioners
- vs.
1. The District Collector
Perambalur District,
Perambalur.
 2. The District Revenue Officer
Office of the District Revenue
Perambalur District, Perambalur.
 3. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Perambalur Division
Perambalur.
 4. The Tahsildar



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Veppanthattai Taluk
Perambalur District.

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5. Pichaipillai
S/o. Arumugam
6. Maharajan
S/o. Pichaipillai
7. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Ariyalur Division,
Ariyalur. ... Respondents

* R7 impleaded vide order dated 09.06.2025
in W.M.P.No.17063 of 2021 in W.P.No.15237 of 2021

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the records of the second respondent in his proceedings dated 25.06.2021 bearing No.Na.Ka.Aa.1/3954/2021 and quash the same and also directing the respondents to consider the claim of the petitioners to mutate the revenue records as its original condition based on the documents available with the petitioners within a time frame.

For Petitioners : Mr.G.Ilamurugu
For Respondents : Mr.M.S.Arasakumar
Government Advocate, for R1 to R4
Ms.S.Sucharitha, for R6
Mr.K.Karthikeyan, for R7

ORDER



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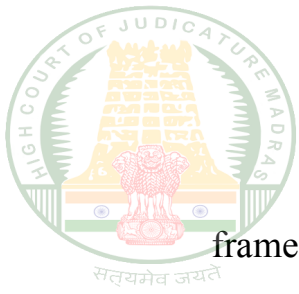
[Order of the Court was made by M. SUNDAR, J.]

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Subject matter of the captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} is 'land comprised in S.No.464/5 (admeasuring 5.62 acres thereabouts) Anukkoor Kudikadu Village, Veppanthattai Taluk, Perambalur District' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.

2. Mr.G.Ilamurugu, learned counsel on record for writ petitioner, Mr.M.S.Arasakumar, learned Government Advocate for R1 to R4, Ms.S.Sucharitha, learned counsel for R6 and Mr.K.Karthikeyan, learned counsel for R7 are before us.

3. Writ petitioners earlier came to this Court vide W.P.No.3075 of 2021 with a prayer to consider the representation made by petitioners (08.09.2020) regarding said land. The case of writ petitioners is that a Temple is situate in said land and it is Village property. In and by an order dated 16.02.2021, W.P.No.3075 of 2021 along with writ miscellaneous petition thereat was disposed of by a Hon'ble single Judge of this Court directing R2 to dispose of writ petitioners' representation within a time



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frame of twelve weeks. Pursuant to this judicial order, an 'order dated 25.06.2021 bearing reference No.Na.Ka.Aa1/3954/2021' {hereinafter 'impugned order' for the sake of brevity, convenience and clarity} has been made by R2. Aggrieved by the impugned order, writ petitioners have filed the captioned WP assailing the impugned order as the impugned order returned a finding that there is encroachment qua said land which is 'Arasu Poromboke Anadheenam Vandi Pathai' and directed removal of encroachments. This Court makes it clear that it is not expressing any view or opinion on the merits of the challenge to the impugned order as a suit being O.S.No.33 of 2020 on the file of District Munsif cum Judicial Magistrate Court, Veppanthattai, which we are informed has been filed in representative capacity is pending. The suit pertains to said land. Originally, the suit was filed with Bare Injunction but we are informed that thereafter, there was amendment but we are not going into those issues as we propose to make an order relegating the parties to the Civil Court. Suffice to say that we have noticed that writ petitioner Nos.3 and 5 are plaintiff Nos.1 and 3 respectively in the suit and private respondents 5 and 6 are defendants 1 and 2 respectively in the suit.



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4. This Court went into e-Courts official website and it is seen that the afore-referred suit is pending.

5. Before we conclude, we also deem it appropriate to write that we have noticed that R2 vide impugned order in penultimate paragraph has made it clear that parties can approach Civil Court if aggrieved by the impugned order but in the case on hand, civil suit is already pending as already alluded to supra.

6. Therefore, we dispose of the captioned WP by making a simple order that the impugned order of R2 will be filed in the suit as a document for being marked as an exhibit and the same shall be tested on its own merits and in accordance with law in the course of trial. In this regard, we make it clear that all rights and contentions of writ petitioners as well as official respondents (R1 to R4 & R7) and private respondents (R5 & R6) stands preserved for canvassing the same in the suit.

7. Though obvious, we make it clear that the jurisdictional Civil Court shall proceed with the matter on its own merits and in accordance with law i.e., will proceed with the trial of the suit being O.S.No.33 of 2020 on the file of District Munsif cum Judicial Magistrate Court, Veppanthattai and



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carry it to its logical end.

WEB COPY 8. As we have impleaded R7 (vide order dated 09.06.2025 in W.M.P.No.17063 of 2021 in W.P.No.15237 of 2021), we make it clear that it is open to Tamil Nadu Hindu Religious and Charitable Endowments Department to intervene and file an implead petition in the jurisdictional Civil Court, if so advised and if so desired. If such a course is adopted, such a petition can also be considered by the jurisdictional Civil Court on its own merits and in accordance with law.

Captioned WP disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition is disposed of as closed. There shall be no order as to costs.

(M.S.J.) (P.D.B.J.)
09.06.2025

Index : Yes / No

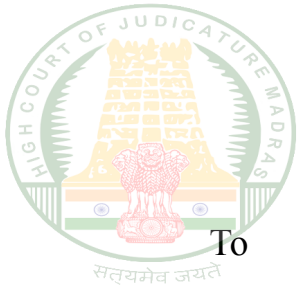
Neutral Citation : Yes / No

Speaking / Non-speaking

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PS: Registry is directed to return the original impugned order to learned counsel on record for writ petitioners under due acknowledgement.

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To

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1. The District Collector
Perambalur District,
Perambalur.
2. The District Revenue Officer
Office of the District Revenue
Perambalur District, Perambalur.
3. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Perambalur Division
Perambalur.
4. The Tahsildar
Veppanthattai Taluk
Perambalur District.
5. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Ariyalur Division,
Ariyalur.
6. The Section Officer
ER Section
Madras High Court.



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**M.SUNDAR, J.,
and
P.DHANABAL, J.,**

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**09.06.2025
(4/4)**

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