



W.P.No.18082 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.No.18082 of 2025

N.Yoganantham

... Petitioner

Vs.

1. The District Collector,
Tiruvallur District,
Tamil Nadu – 602 001.
2. The Assistant Commissioner,
Hindu Religious Charitable and
Endowments Department,
Thiruvallur District – 602 001.
3. The Tahsildar,
Ponneri Taluk Office,
NGO Nagar Extension,
Ponneri, Tiruvallur District – 601 204.
4. The Revenue Divisional Officer,
Revenue Divisional Office,
NGO Nagar extension,
Ponneri, Tiruvallur District – 601 204.
5. The President,
Azhinjivakkam Village Panchayat,
Azhinjivakkam, Vadagarai Post,
Redhills, Chennai – 600 052.



W.P.No.18082 of 2025

6. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
No.119, Uthamar Gandhi Salai,
(Previously Nungambakkam High Road),
Chennai – 600 034.

7. The Block Development Officer,
BDO Puzhal, Mahalakshmi Nagar,
Puzhal, Chennai.

(R6 & R7 – suo motu impleaded
vide order dt.02.09.2025 in
W.P.No.18082./2025 by MSJ & MSKJ)

8. The Joint Commissioner,
HR & CE Department,
Thiruvallur District – 602 001

9. The Fit Person,
A/M Siddi Buddith Vinayagar Azhinjavakkam Village,
Puzhal, Ponneri Taluk, Thiruvallur District.

(R8 & R9 – suo motu impleaded
vide order dt.16.12.2025 in
W.P.No.18082/2025 by SMSJ & CKJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 3 to 5 to remove the encroachments on the temple land in Survey No.31, situated at Azhinjavakkam Village, Vadagarai Post, Redhills, Ponneri Taluk, Tiruvallur District and to restore the possession of the land to Managing Trustee, Arulmigu sri Siddhi Buthi Selva Vinayagar Devasthanam.



W.P.No.18082 of 2025

For Petitioner : Ms.N.Shanmuga Priya
Ms.M.Jenifer Arokia Mary

For Respondents : Mr.T.Arunkumar,
Addl.Govt.Pleader
for R1, R3 & R4
Mr.N.R.R.Arun Natarajan,
Spl.Govt.Pleader
(HR & CE) for R2, R6, R8 & R9
Mr.T.K.Saravanan,
Addl.Govt.Pleader for R7.

ORDER

S.M.SUBRAMANIAM,J.

Writ of Mandamus has been instituted to direct the respondents 3 to 5 to remove the encroachments on the temple land in S.No.31 situated at Azhinjivakkam Village, Vadagarai Post, Redhills, Ponneri Taluk, Tiruvallur District and to restore the possession of the land to Managing Trustee of Arulmigu Sri Siddhi Buthi Selva Vinayagar Devasthanam.

2. The petitioner states that he is the representative of the hereditary trustee and a staunch devotee of Siddhi Buthi Selva Vinayagar Temple and accordingly, filed the writ petition.

3. The petitioner states that the President of the Panchayat Board had encroached upon the Temple land and constructed Village Panachyat



W.P.No.18082 of 2025

Seva Maiyam and Panchayat office. No action was taken by the temple management as well as by the competent authority under the HR & CE Act, which resulted in the filing of the present writ petition.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1,3 & 4 would submit that the building was constructed by the Panchayat Board for the usage of Seva Maiyam and Panchayat office also has been constructed in the said temple land. The temple, since not raised any objection initially, the authorities constructed the building. However, the services are yet to be commenced in Seva Maiyam and the building is not utilised for any other purpose. Narrating the sequence, the learned Additional Government Pleader would submit that the funds were sanctioned to the tune of about Rs.42.65 lakhs for the construction of Seva Maiyam and Panchayat office in S.No.31, which belongs to Siddhi Buthi Selva Vinayagar Temple.

5. Admittedly, the land belongs to the temple and constructions are made unauthorisedly without any authority of law under the Hindu Religious



W.P.No.18082 of 2025

and Charitable Endowment Act. Thus, the 5th respondent is as an encroacher and the building is unauthorised.

6. The learned Special Government Pleader for HR & CE Department would submit that though no action was taken initially by the authorities, subsequently, based on the complaint/ information from the temple authorities including the petitioner, they have initiated eviction proceedings under section 78 of the HR & CE Act. Pursuant to the filing of present writ petition, the Assistant Commissioner, Tiruvallur has initiated eviction proceedings under section 78 of the HR&CE Act in petition in M.P.No.15/2025/A1 dated 12.12.025. The action initiated by the Assistant Commissioner initially is now pending before the Joint Commissioner. Eviction proceedings will be accelerated and all appropriate actions will be taken to resume the temple land and to utilise the same for religious purposes under the provisions of the HR & CE Act.

7. Learned counsel for the petitioner would submit that knowing the fact that the subject land belongs to temple, the respondents 3 to 5 have



W.P.No.18082 of 2025

sanctioned funds for construction of Seva Maiyam and panchayat office illegally and the authorities were hand in glove with the Panchayat President for construction of unauthorised constructions made in temple land. Thus, the respondents 3 to 5 are responsible and accountable for all illegalities including encroachment and unauthorised construction of building in temple lands.

8. This Court heard the parties to the lis on hand.

9. Courts are frequently coming across instances where the Government authorities are utilising the temple lands for other purposes, other than the religious purposes without any authority under the provisions of the Hindu Religious and Charitable Endowment Act and the Rules framed thereunder. Such interference by the Government or its authorities are not only illegal but infringing the rights of the deity in the temple and the devotees, who have donated valuables, both movable and immovables properties to the temple for utilisation of funds for religious purposes including conduct of poojas, festivals etc.



W.P.No.18082 of 2025

WEB COPY

10. Learned Special Government Pleader for HR & CE Department would submit that in respect of the building constructed, initially temple trustees held some position in the Panchayat office and therefore, the illegality crept in. The temple authorities involved in such illegalities are also liable and accountable for all illegalities or irregularities for putting up unauthorised constructions in temple lands.

11. Deity in a temple is a perpetual minor and High Court exercise *parens patriae* jurisdiction, and therefore, has to protect the interest of the minor deity wherever the rights of the deity is infringed or against the mismanagement of temple funds etc.

12. The scope of the Tamil Nadu Hindu Religious and Charitable Endowment Act is to be considered. The Government is having control over the endowments under the provisions of the Act. But the properties and funds of the temple belong to the temple and the minor deity. Therefore, the Government is not empowered to utilise the temple funds or property other



W.P.No.18082 of 2025

than the purposes for which such temple lands are donated, acquired or endowed. The Government, by virtue of its sovereign power can assert the right to visit endowments and prevent the abuses in temple management. However, the Government is not empowered to deal with the temple property in contravention to the provision of HR&CE Act or against the wishes of the donors or in the interest of deity in a temple. Any decision must be in consonance with the provisions of the Act and in the interest of the temple and deity.

13. The temple lands or temple funds are not public lands or public funds, and belongs to deity in the temple and deity being a minor and owner of the property is to be protected by the Courts in exercise of *parens patriae* jurisdiction. Thus, any abuse or misuse of temple funds or its property are to be seriously viewed by the Court. The persons involved in dealing with the temple property or funds in an illegal manner are to be prosecuted under criminal law and all appropriate actions are to be initiated to restore the temple funds and properties from the hands of the perpetrators on commission of any illegality.



W.P.No.18082 of 2025

WEB COPY

14. When an administrative decision was taken by the Revenue authority and the Panchayat Board, they have miserably failed to verify the owner of the land and hastily sanctioned funds and constructed the panchayat building and Seva Maiyam, for which, the concerned authorities are accountable. Before construction of any departmental building, the authorities are bound to verify the ownership/title and by obtaining due approval, constructions are to be made. In the present case, the authorities have not verified the title or ownership and illegally encroached upon the temple lands and constructed buildings unauthorisedly.

15. The learned Special Government Pleader would submit that the land was allotted in some other survey number for construction of building. The said factum was neither verified by the District Collector nor by the subordinate authorities. Timely action was not taken by the higher authorities by conducting inspection and that is to be construed as lapse, dereliction of duty and negligence on the part of the revenue authorities.



W.P.No.18082 of 2025

16. Admittedly, the land belongs to the Temple and building was constructed unauthorisedly. The learned Special Government Pleader, HR&CE Department would submit that after filing the present writ petition, enforcement actions are initiated under section 78 of the Hr&CE Act by the Assistant Commissioner and the file is now pending before the Joint Commissioner to proceed with the eviction proceedings and resume the temple property. Fit person has already been appointed on 18.09.2025. Fit person has to initiate all appropriate further actions to protect the funds and the temple properties in an appropriate manner.

17. To reiterate, temple properties or temple funds are not public property or public funds and therefore, the Government is not empowered to encroach upon the temple lands for departmental purposes or utilise the temple funds for any other public purposes. Temple funds and the properties donated by the devotees or donors must be utilised for the purposes for which it was donated and the funds are to be utilised only for religious purposes as contemplated under the provisions of HR & CE Act and the Rules framed thereunder. The religious purposes are well defined



W.P.No.18082 of 2025

by this Court in the case of *Rama Ravikumar vs. State of Tamil Nadu represented*

WEB COPY

by its Principal Secretary, Department of Tourism, in WP(MD).No.5893 of etc. batch

(MANU/TN/4145/2025) dated 19.08.2025.

18. In view of the above facts and circumstances, respondents 2, 8 and 9 are directed to proceed with the eviction proceedings and conclude the same by resuming the temple properties within a period of three months from the date of receipt of a copy of this order. For this purpose, “The Joint Commissioner, HR & CE Department, Thiruvallur District – 602 001” and the “The Fit Person, Arulmighu Siddi Buddith Vinayagar Azhinijavakkam Village, Puzhal, Ponneri Taluk, Thiruvallur District” have been suo motu impleaded as respondents in the present writ petition for the purpose of concluding the eviction proceedings. After resuming the properties, the Temple authorities and the competent authority under the HR&CE Act shall protect the temple properties and utilise the same for religious purposes in the manner contemplated under the Act and Rules. In respect of illegalities and irregularities committed by the revenue authorities and the panchayat authorities by constructing unauthorised constructions in a temple land by



W.P.No.18082 of 2025

utilising the public funds, the District Collector is directed to initiate all appropriate actions and to recover the financial loss occurred to the State exchequer from all concerned by following the procedures as contemplated under law. The 5th respondent, Azhinjivakkam Village Panchayat, represented by the Special Officer, is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards cost to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of.

(S.M.S.,J.) (C.K.,J.)
16.12.2025

vsi
Index:Yes/No
Speaking/Non-speaking order

Note:

Registry is directed carry out necessary amendment in the cause title.

To

1. The District Collector,
Tiruvallur District,
Tamil Nadu – 602 001.

12/14



W.P.No.18082 of 2025

2. The Assistant Commissioner,
Hindu Religious Charitable and
Endowments Department,
Thiruvallur District – 602 001.
3. The Tahsildar,
Ponneri Taluk Office,
NGO Nagar Extension,
Ponneri, Tiruvallur District – 601 204.
4. The Revenue Divisional Officer,
Revenue Divisional Office,
NGO Nagar extension,
Ponneri, Tiruvallur District – 601 204.
5. The President,
Azhinjivakkam Village Panchayat,
Azhinjivakkam, Vadagarai Post,
Redhills, Chennai – 600 052.
6. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
No.119, Uthamar Gandhi Salai,
(Previously Nungambakkam High Road),
Chennai – 600 034.
7. The Block Development Officer,
BDO Puzhal, Mahalakshmi Nagar,
Puzhal, Chennai.
8. The Joint Commissioner,
HR & CE Department,
Thiruvallur District – 602 001
9. The Fit Person,
A/M Siddi Buddith Vinayagar Azhinjavakkam Village,
Puzhal, Ponneri Taluk, Thiruvallur District.



WEB COPY



W.P.No.18082 of 2025

**S.M.SUBRAMANIAM,J.
and
C.KUMARAPPAN,J.**

Vsi

W.P.No.18082 of 2025

16.12.2025