



W.P.No.16507 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16507 of 2025

1. Pappannan @ Sellan
2. Gopal .. Petitioners

VS

1. The Commissioner
Hindu Religious & Charitable Endowments Department
Uthamar Gandhi Road, Nungambakkam
Chennai – 600 034.
2. The Joint Commissioner
Hindu Religious & Charitable Endowments Department
Kariyaperumal Kovil Road, Nethimedu
Salem – 636 002.
3. The Assistant Commissioner
Hindu Religious & Charitable Endowments Department
Dharmapuri – 636 701.
4. The Inspector
Hindu Religious & Charitable Endowments Department
Karagam Selliyanman Temple
Chikkardanahalli Village, Dandukaranahalli Post
Palacode Taluk, Dharmapuri District.
5. G.Mariyappan
6. Rajeswari

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7. Yasotha
8. Ramasamy
9. V.Chinnasamy
10. M.Muniappan
11. M.Muthusamy
12. Muniappan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the entire records pertaining to issuance of show cause notice dated 04.04.2025 in Na.Ka.No.2112/2024/A6 by the 3rd respondent and quash the same, consequently, direct the respondents 1 to 4 not to conduct any public auction till the disposal of R.P.No.476 of 2024-D2 by the Commissioner, Hindu Religious & Charitable Endowments Department, Chennai.

For Petitioners : Ms.C.Umashankar

For Respondents : Mr.K.Karthikeyan
Government Advocate
for R1 to R4

ORDER

This writ petition has been filed challenging the show-cause notice dated 04.04.2025 issued by the third respondent and to direct respondents 4 and 5 not to conduct any public auction till the disposal of R.P.No.476/2024-D2, pending on the file of the first respondent.

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2. Heard *Ms.C.Umashankar*, learned counsel appearing for the petitioners and *Mr.K.Karthikeyan*, learned Government Advocate appearing for the respondents 1 to 4.

3. The case of the petitioners is that they are the Hereditary Trustees of the Temple. The Temple lands were encroached by many persons and no effective steps were taken to evict them. This was questioned by the petitioners. Ultimately, since the petitioners were questioning the inaction on the part of the Department in evicting the encroachers, proceedings were initiated against the petitioners and notice was issued to give their explanation. In the meantime, the encroachers are stalling their eviction by filing one writ petition after the other and even before evicting them from the Temple land, the Department is attempting to bring the property for public auction. It is under these circumstances, the present writ petition has been filed before this Court.

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4. Insofar as the show-cause notice that was issued to the petitioners dated 04.04.2025 is concerned, it is brought to the notice of this Court that enquiry has been initiated and charges have been framed against the petitioners and the petitioners have been asked to give their explanation and the enquiry is posted on 11.06.2025.

5. In view of the same, it is left open to the petitioners to give their explanation and defend themselves in the manner known to law.

6. Insofar as the eviction of the encroachers is concerned, an earlier order has been passed by this Court in W.P.No.11333 of 2025 dated 28.03.2025. The learned Single Judge issued the following directions:-

"6. The lands belonging to the diety has to be put into proper use, especially, for cultivation. Food is the very basic need of humankind and a cultivable land can never be allowed to lay barren only due to the unwanted weed called 'caste. Therefore, the authorities shall take immediate steps to auction the properties by way of public auction and if there is any ruckus or problem, the authorities shall also forward a complaint to the Superintendent of Police,



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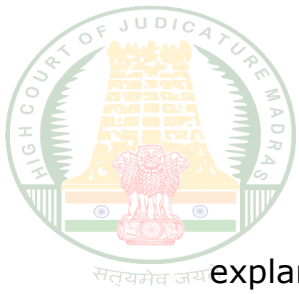


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Dharmapuri district, who shall take strong action against miscreants in accordance with law and the lands shall be given on lease after due approval by the Commissioner after taking into account the lease rent etc., in accordance with the rules. The said exercise shall be carried out within a period of four weeks from the date of receipt/production of a web-copy of this order without waiting for a certified copy of this order."

7. It is clear from the above that a positive direction has been issued to take over possession of the property and thereafter bring the property for public auction. A time-frame has also been fixed to complete this process.

8. In light of the above order passed by the learned Single Judge, this Court cannot now stall the public auction in the guise of the pending revision petition before the Commissioner. These are independent actions taken to remove the encroachers and to allot the land by public auction. This ultimately will only benefit the Temple. The above action taken by the Department cannot be clubbed with the independent action that has been initiated by the Department against the Trustees. Already, notice has been issued in this regard and



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explanation has been called for. Therefore, it has to be independently defended by the petitioners as stated *supra*.

9. The Hindu Religious and Charitable Endowments Department shall ensure that the directions issued by the learned Single Judge in W.P.No.11333 of 2025 dated 28.03.2025 are complied with.

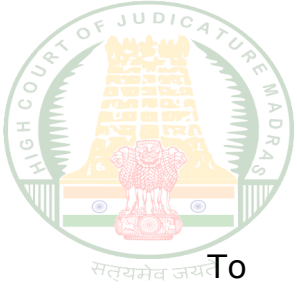
10. This writ petition is disposed of in the above terms. There shall be no order as to costs. Consequently, W.M.P.No.18646 of 2025 is closed. W.M.P.No.18643 of 2025, petition filed to permit the petitioners to file a single writ petition stands ordered, inasmuch as the petitioners have paid separate set of Court fee.

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Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Neutral Citation: Yes/No

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To

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N.ANAND VENKATESH, J.

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