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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-10-2025**

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM  
AND  
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 2754 of 2025  
and  
CMP No. 22125 of 2025**

Sengunthar Magajana Sangam  
Represented by its President  
Devapandalam Village,  
Sankarapuram Taluk,  
Kallakurichi District.

Appellant(s)

Vs

1. N.Karunanidhi  
S/O Narayanapillai Aatruppathai  
Theru, Devabandalam Village  
Sankarapuram Taluk, Kallakurichi  
District

2.The Commissioner  
Hindu Religious And Charitable  
Endowment Department No 119,  
Utthamar Gandhi Salai,



Nungampakkam Chennai 600 034

3.The Assistant Commissioner  
Hindu Religious And Charitable  
Endowment Department, Villupuram  
District

4.The Inspector  
HR and CE Department,  
Sankarapuram.

5.The Tahsildar  
Sankarapuram Taluk Kallakurichi  
District

Respondent(s)

**PRAYER**

Writ Appeal filed under Clause 15 of Letters Patent, to against the order dated 17-12-2024 in WP.No.35808 of 2024.

For Appellant(s): Mr.P.Valliappan  
Senior Counsel  
For Mr. K.M.Hareesh  
For M/s.PV Law Associates

For Respondent(s): Mr.V.Manohar  
For Mr.T.Balachandran For R1  
Mr.N.R.R.Arun Natarajan  
Special Government Pleader  
[For HR&CE] For R2 to R4  
Mr.T.Arun Kumar  
Additional Government Pleader  
For R5



## **J U D G M E N T**

**(Judgment was delivered by S.M.Subramaniam J.)**

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The present Intra-Court Appeal has been instituted challenging the writ order dated 17.12.2024 in W.P.No.35808 of 2024. The appellant is the 5<sup>th</sup> respondent in the writ petition.

2. The learned Senior Counsel appearing on behalf of the appellant would contend that impugned writ order has been passed at admission stage, directing the 5<sup>th</sup> respondent/Tahsildar to issue notice to appellant, 1<sup>st</sup> respondent and to Hindu Religious and Charitable Endowments Department and thereafter conduct an inquiry and pass a speaking order. Application has been filed before Revenue Authority seeking cancellation of patta. Adjudication to grant or cancel patta is to be undertaken by Revenue Authority under the Tamil Nadu Patta Pass Book Act, 1983 and the High Court cannot conduct a roving inquiry.

3. Appellant would further contend that petitioner earlier filed two writ petitions in W.P.No.3965 of 2018 and W.P.No.32852 of 2022. As far as the first



writ petition in W.P.No.3965 of 2018 is concerned, prayer is not akin to that of the prayer sought for in the present writ appeal. Another writ petition in W.P.No.32852 of 2022 is filed in connection with the same property and it was dismissed. However, liberty was granted to the 1<sup>st</sup> respondent herein to workout his remedy in the manner known to law.

4. May that as it be, fact remains that Inspector of Hindu Religious and Charitable Endowments Department, Sankarapuram, has already submitted an application before Tahsildar, Sankarapuram on the ground that subject property belongs to temple, and an inquiry notice has also been issued pursuant to the directions issued by the impugned writ order. Tahsildar has initiated action to conduct inquiry on 05.06.2025. However, due to the pendency of present writ appeal no final order has been passed.

5. Parties have to participate in the process of inquiry to be conducted and concluded by the Tahsildar by following the procedures contemplated under the Tamil Nadu Patta Pass Book Act and the Rules framed thereunder. Disputed facts cannot be adjudicated by High Court in a writ proceeding. In



the event of any title dispute, parties are to be relegated to approach

Competent Civil Court of Law.

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6. In the present case, Tahsildar has already undertaken the process of inquiry. Therefore opportunity is to be provided to all the parties including appellant and 1<sup>st</sup> respondent, and thereafter, a final order is to be passed on merits and in accordance with law. If it is temple property, then competent authorities under the Hindu Religious and Charitable Endowments Department is duty bound to initiate appropriate action to resume and protect the temple properties.

7. Parties are directed to cooperate for conduct of inquiry by Tahsildar. Tahsildar shall conduct inquiry independently based on documents and evidences available on record. The Tahsildar, Sankarapuram is directed to complete the exercise as expeditiously as possible.



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8. With the above directions, the Writ Appeal stands disposed of. The connected Miscellaneous Petition is closed. There shall be no order as to costs.

**(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)**

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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