



W.P.No.22037 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR
and
THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.22037 of 2021
&
W.M.P.Nos.23258 and 23259 of 2021
in W.P.No.22037 of 2021

Rajendran,
Chairman,
Temple Committee,
Arulmigu Kanchiyappa Ayyanar Temple,
Vellapallam Vanavanmahadevi Village,
Vedaranyam Taluk,
Nagapattinam District.

.. Petitioner

Vs.

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Tahsildar,
Vedaranyam,
Nagapattinam District.

3.The Block Development Officer,
Thalanayar,
Nagapattinam District.

Page Nos.1/26



W.P.No.22037 of 2021

WEB COPY

4.The Village Administrative Officer,
Vellapallam,
Vedaranyam Taluk,
Nagapattinam District.

5.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600034.

6.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
No.64/2, Neela North Street,
Nagapattinam-611001.

7.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Netaji Lane (Near Old Bus stand),
Nagapattinam-611001.

(Respondents 5 to 7 are suo motu impleaded
vide instant order)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records of the impugned advertisement notice dated 15.08.2021 passed by the second respondent and quash the same and consequently, direct the first respondent to pass an order in review petition filed by the petitioner on behalf of the temple and pass such other order as this Hon'ble Court may deem fit to the facts and circumstances of the case and thus render justice.



WEB COPY



W.P.No.22037 of 2021

For Petitioner : Mr.V.Sivaraman
for Mr.K.Balu

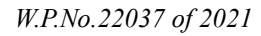
For Respondents : Mr.T.K.Saravanan, AGP
for RR1 to 4
Mr.S.Ravichandran, AGP (HR&CE)
for RR5 to 7

ORDER

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

Subject matter of captioned main writ petition is 'land admeasuring 02.04.50 hectares or thereabouts bearing Survey No.52/2 in Vellapallam village, Vedaranyam Taluk, Nagapattinam district' (hereinafter 'said land' for the sake of brevity and convenience).

2. This court is informed that 0.81.80 hectares of said land is vacant with no superstructure thereon. Second respondent has issued a terse 'advertisement dated 15.08.2021' [hereinafter 'impugned advertisement/notice' for the sake of brevity and convenience] and a scanned reproduction of the same (with clean copy) as placed before this Court is as follows:





அ.1 விளம்பர அறிவிப்பு

60

வேதாரண்யம் வட்டம், வெள்ளப்பள்ளம் கிராமம், புல எண்.52/2, அரசு புறம்போக்கு- கோவில் எனும் வகைபாடுடைய 02.04.50 ஹெக்டேர்ஸ் திட்டப்பரப்பில், 0.81.80 ஹெக்டேர்ஸ் பரப்பினை, வட்டார அளவில் நாற்றாங்களுடன் கூடிய விற்பனை மையம் மற்றும் காய்கறி கொள்முதல் நிலையம் அமைத்திட தோட்டக்கலைத்துறைக்கு நிலமாற்றம் செய்திட உத்தேசிக்கப்பட்டுள்ளது.

வ. எண்	கிராமம்	புல எண்.	வகைபாடு	திட்டப்பரப்பு (ஹெக்டேர்ஸ்)	நிலமாற்ற பரப்பு (ஹெக்டேர்ஸ்)
1.	வெள்ளப்பள்ளம்	52/2	அரசு புறம்போக்கு - கோவில்	02.04.50	0.81.80

இந்த நிலமாற்றம் தொடர்பாக கிராமத்தில் யாருக்கேனும் ஆட்சேபனை இருப்பின் அதனை நேரில் எழுத்து பூர்வமாக வேதாரண்யம் வட்டாட்சியரிடமோ அல்லது தலைஞாயிறு சரக வருவாய் ஆய்வாளரிடமோ இவ்வறிவிப்பு கிடைக்கப்பெற்ற 15 தினங்களுக்குள் தெரிவிக்க வேண்டியது. குறிப்பிட்ட நாட்களுக்குள் எவ்வித ஆட்சேபனையும் யாரிடமிருந்தும் வரப்பெறவில்லை எனில் கிராமத்தில் யாருக்கும் இந்த நிலமாற்றம் குறித்து ஆட்சேபனை எதுவும் இல்லை எனக்கருதி மேல்நடவடிக்கை தொடரப்படும் என இதன் மூலம் அறிவிக்கப்படுகிறது.

வட்டாட்சியர்
வேதாரண்யம்

பெறுநர்:

சரக வருவாய் ஆய்வர்,
தலைஞாயிறு.

குறிப்பு : வெள்ளப்பள்ளம் -கிராம நிர்வாக அலுவலர், இந்த அறிவிப்பினை கிராமத்தில் தண்டோரா மூலம் நன்கு விளம்பரம் செய்து உரிய அத்தாட்சி பெற்று அனுப்பி வைக்க வேண்டியது.

ஒப்பம்

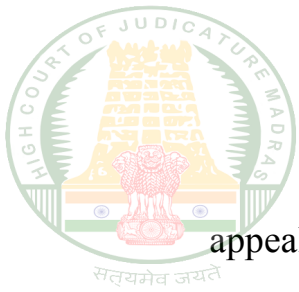
வெள்ளப்பள்ளம் ஊராட்சி,



W.P.No.22037 of 2021

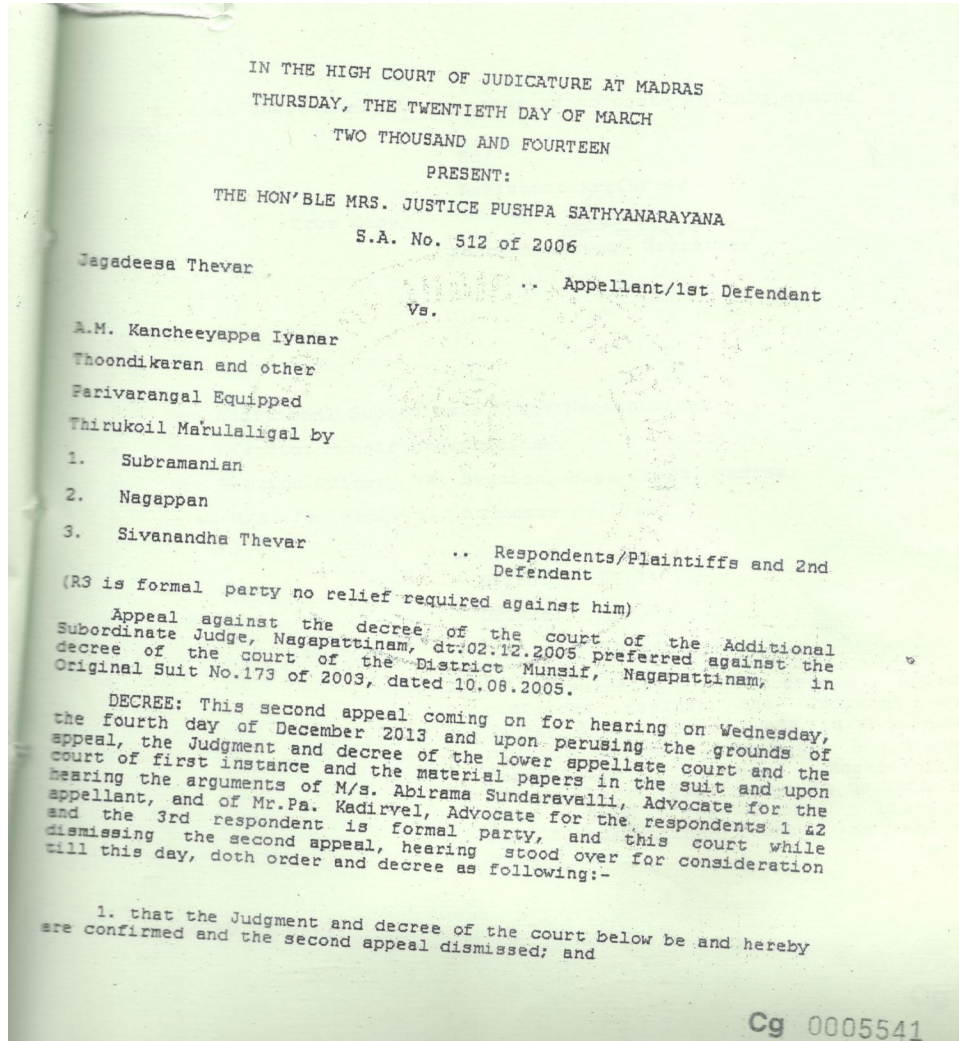
WEB COPY 3. The writ petitioner who has been described as Chairman of a Temple Committee qua 'Arulmigu Kanchiyappa Ayyanar Temple' (hereinafter 'said temple' for the sake of brevity and convenience) has filed the captioned writ petition assailing the impugned advertisement/notice and consequently seeking a direction to the first respondent to consider writ petitioner's review petition.

4. At the outset, it is necessary to record the factual position that a suit in O.S.No.173 of 2003 on the file of the District Munsif Court, Nagapattinam pertaining to said land and another parcel of land (to be noted, the other parcel of land is in S.No.45 and the same shall be referred to as 'another parcel of land' for the sake of brevity and convenience) was filed by persons who have described themselves as 'Thirukovil Marulaligal'. To be noted, suit is a bare injunction suit and it is against private individuals. This suit was decreed on 10.08.2005, confirmed in first appeal vide A.S.No.52 of 2005 [judgment and decree dated 02.12.2005] on the file of Additional Subordinate Judge's Court, Nagapattinam against which a second appeal in S.A.No.512 of 2006 was filed in this Court but the second



W.P.No.22037 of 2021

appeal was dismissed by Hon'ble Single Judge in and by order dated 20.03.2014 and the decree thereat is as follows:





W.P.No.22037 of 2021

WEB COPY

2. that there shall be no order as to costs in this second appeal.

Sd/-
Assistant Registrar

/True Copy/

Sub. Assistant Registrar

To

1. The Additional Subordinate Judge Nagapattinam
2. The District Munsif Nagapattinam.
3. The Section Officer, VR. Section, High Court, Madras.

+ 1 cc to M/s. Pa. Kadirvel, Advocate Sr.13446

DATED: 20.03.14

DECREE:

S.A. No. 512 of 2006

Dismissing the Second appeal preferred against the Judgment and decree dt.02.12.2005 made in A.S.No.52 of 2005 on the file of the Additional Subordinate Judge, Nagapattinam (OS.No.173 of 2003 dated 10.08.2005 on the file of the District Munsif, Nagapattinam) etc., as stated within

SAI (CO) EU 02.04.14

Cg 0



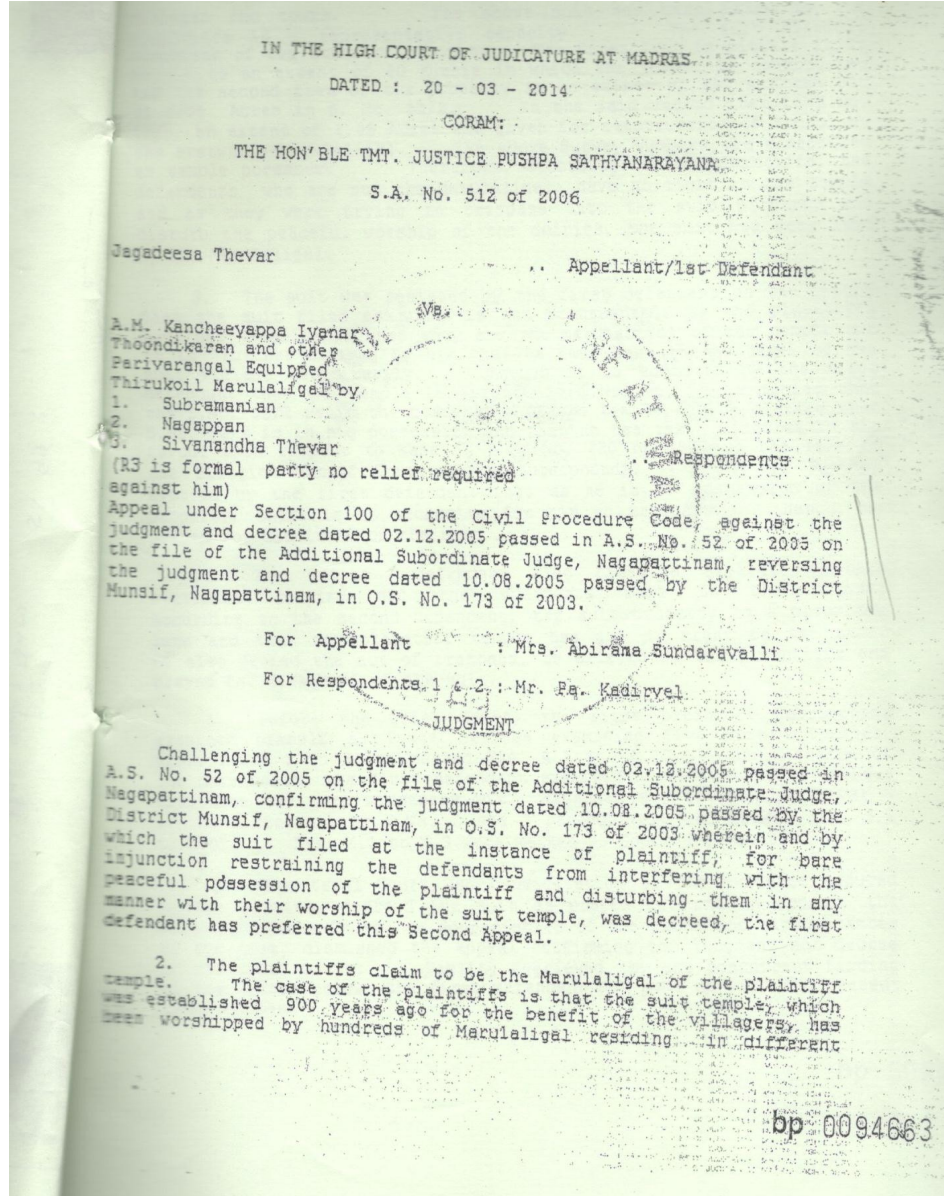
W.P.No.22037 of 2021

WEB COPY 5. From the judgment in the second appeal (dated 20.03.2014), it comes to light that said temple is situate in another parcel of land, i.e., S.No.45 admeasuring 40 Kuzhis or thereabouts. As regards said land, it also comes to light that an extent of 1.05 acres has already been given for construction of a School. However, said land has been classified as 'temple poramboke'. A scanned reproduction of judgment dated 20.03.2014 is as follows:



W.P.No.22037 of 2021

WEB COPY





villages and towns. The above suit has been filed by the plaintiffs in a representative capacity. The suit schedule comprises of two items of property. The first item is situate in S. No. 45 to an extent of 40 Kuzhis in which the temple is constructed and the second item of the property is an extent of Rs. 2 Acres out of 5.05 Acres in S. No. 52/2. In the said second item in S. No. 52/2, an extent of 1.05 Acres was given for construction of School by the erstwhile Marulaligal. The above Survey Numbers are classified as temple poramboke. Therefore, according to the plaintiffs, the defendants who are not the Marulaligal, have no right in the temple and as they were trying to trespass into the suit property and disturb the peaceful worship of the deities, the suit has been laid by the Marulaligal.

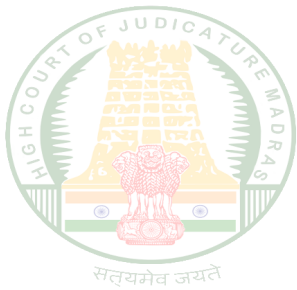
3. The suit was resisted by the first defendant on the ground that the suit filed as such, is not maintainable as the plaintiffs have not established that they are the Marulaligal of the temple and it is further claimed by him that he has been the Nattamai of the suit village hereditarily. Though it is admitted by the first defendant that the temple is situate in S.No. 45, it is denied that the S.No. 52/2 is in the possession of the temple and he claimed that S.No. 52/2 is in his possession and that he has taken a decree in his favour with respect to same in O.S. No. 220 of 1997 on the file of the District Munsif Court, Thiruthuraiipoondi. It is further averred by the first defendant that as he is in possession of the property, there is no necessity for him to trespass. Hence, he prayed for dismissal of the suit.

4. The second defendant also filed a separate written statement denying all the averments made in the plaint. According to the second defendant, the suit property is a poramboke land and that the plaintiff temple has got no right in the same. He also denied the act of trespass, as alleged by the plaintiffs and prayed for dismissal of the suit.

5. Before the trial Court, the first plaintiff Subramanian examined himself as P.W.1 besides examining five more witnesses, viz., P.Ws. 2 to 6 and marked Exs. A.1 to A.17. On the side of the defendants, the first defendant examined himself as D.W.1 besides examining two more witnesses viz., Nagappan and Sivanandha Thevar - second defendant, as D.Ws. 2 and 3 respectively and marked Exs. B.1 to B.31. Exs. X.1 to X.3 were marked as Court documents.

6. The trial Court, on consideration of the evidence adduced by the parties, decreed the suit as prayed for and on appeal, the First Appellate Court, on appreciation of the facts and circumstances of the case, dismissed the appeal confirming the judgment and decree of the trial Court. Feeling aggrieved by the concurrent finding of the Courts below, the first defendant has come up with the present Second Appeal.

bp 0094664



W.P.No.22037 of 2021

WEB COPY

7. At the time of admission of the Second Appeal, the following substantial questions of law were formulated for consideration:-

1. Whether the lower Appellate Court is justified in confirming the judgment and decree of the Court of first instance, decreeing a suit, which absolutely lacks a proper cause of action?
2. Whether the lower Appellate Court's judgment and decree, holds good in law, when the judgment and decree of the lower Court was relied upon the oral evidence of witnesses with vested interests, in the absence of any valid written documents?
3. How the lower Appellate Court confirmed the judgment and decree of the lower Court in O.S. ignoring the genuine claims of the present appellant even though he had concretely established his habitation in the suit item - 2 of properties with proven documents since 1970, and rights of adverse possession.

8. Heard the learned counsel appearing for the parties and perused the records.

9. The first objection taken by the defendants is that the plaintiffs are not the Marulaligal of the temple and that they have no authority to file the suit. In this regard, it is seen that the plaintiff had filed I.A. No. 558 of 2008 under Order I Rule 8 CPC seeking permission of the Court to file the suit in the representative capacity and the same has been allowed. Therefore, having filed the suit only in representative capacity, the defendants cannot have any objection regarding the maintainability of the suit as filed.

10. Secondly, in order to establish the rights of the temple, the plaintiffs have examined as P.Ws. 1 to 6 and it would be appropriate to brief the depositions of the witnesses.

11. P.W.2 one Karunanidhi, who is a resident of Mahavan Mahadevi village, has deposed that he has been living in the village for several years and he knows the plaintiffs 1 and 2 who have filed the suit on behalf of Marulaligal. He further deposed that there is an Association for the Marulaligal and whenever required, they convene the meeting and pass resolution regarding various issues. He has also deposed to the effect that the meetings are generally convened in front of the temple and the resolutions are passed only orally and they are not reduced to writing besides stating that the suit lands are temple poramboke and temple is also paying the B Memo charges.

bp 0094665



12. P.W.3, who is a teacher, also claims to be the Marulali of the plaintiff temple. He has also stated that the temple property is a koi poramboke and the temple had given 1.5 Acres for construction of the school and in the said suit property, there is a fence in which there are 17 coconut trees, 20 palm trees, 30 cashew trees, 10 or 15 Mango trees and 6 or 7 Ilupai trees and there is also a temple tank dug by the Marulaligal of the plaintiff temple. P.W.3 has also confirmed that the B Memo charges are issued in the name of the temple besides stating that the documents filed by the plaintiff, viz., Exs. A.2 to A.17 relate only to the temple and that Ex. A.5 is the invitation for the Kumbabhishekam of the plaintiff temple which goes to prove that the plaintiff temple has been in possession and enjoyment of the suit property.

13. P.W.4 is one Kanchiappan, who also claims to be Marulali of the plaintiff temple. He has also specifically stated that Subramanian and Nagappan, who have filed the suit, were authorized to file the same on the alleged cause of action and they are also the trustees of the plaintiff temple. He has further stated that the Kumbabhishekam was performed presided by the said Subramanian and Nagappan. P.W.4 has also stated that people belonging to various castes and communities have been the Marulaligal of the temple.

14. P.W.5 Gnanasekaran, who was the Village Administrative Officer of Vellapallam Village in which the suit temple is situate, at that time, has admitted in his deposition, the right of the temple and he has clearly stated that the plaintiff temple is situate in S.No. 45. He has further stated that in S.No. 50, out of total extent of 5 Acres 4 Cents, the land measuring a extent of 1 Acre and 5 Cents was given for construction of the high school by the said temple and that the balance 4 Acres is in possession of the temple. He has also stated that chitta and adangal were issued by him in the name of the plaintiff temple as the lands are koi poramboke. The adangal issued for Fasli Year 1412 is marked as Ex. X.1 and adangal for the Fasli year 1411 is marked as Ex. X.2. The copy of the Revenue Register is marked as Ex. X.3. According to P.W.5, the Revenue records have got only the name of the plaintiff temple. Therefore, from the above evidence of the Village Administrative Officer, there is nothing to discredit his deposition.

15. P.W.6 Rajendiran, who is also a Marulali of the plaintiff temple and the President of the Administrative Committee of the temple for the performance of the Kumbabhishekam in the year 2004, has deposed in his evidence that there was a committee for performing the Kumbabhishekam which commenced in the year 2000 and ended in 2004. According to him, he has got the accounts for the performance of the Kumbabhishekam and the accounts Note Book is marked as Ex.A.14 though the same is objected to by the defendants. P.W.6 has also stated that the election of the Administrative Committee members is only oral and there is nothing in writing.

bp:0094666



16. On the other hand, the defendants have marked Exs. B.1 to B.31. The B Memo receipts filed by them under Exs. B.10, B.11, B.15, B.17 and B.18 are all in the name of the temple though produced by the defendants. The defendants also have not produced any document after 1990 to show that they were in possession of the property. The First Appellate Court also had rejected the additional documents sought to be filed by the defendants at the appellate state, viz., the receipts for the reason that they do not relate to the suit property as the suit Survey Number has been written in a different handwriting. The copies of the pleadings filed by the defendants in O.S. No. 220 of 1997, O.S. No. 491 of 2000, O.S. No. 110 of 1986 will also go to show that there has been an enmity prevailing between the parties after 1990. There has been a dispute even in the year 1970 between the Tahsildar and the first defendant. It is also admitted further by the defendants that in the year 1980, there was a refugee camp in the suit property. In such circumstance, the defendants were not able to establish that they have been in possession in exclusion of the plaintiff whereas the cogent evidence of P.Ws. 1 to 6 go to prove that the plaintiff temple has been administered by them and they have been maintaining the adjacent land by planting trees and digging a tank in the property. The defendants have not produced any scrap or evidence to show that they have been contributing to the upkeep of the temple or maintaining the same. The attempt of the defendants appears to usurp the land of the temple and encroach upon the same. As the suit property is admittedly a temple poramboke, it belongs to the Government. If at all, any action is to be taken, it is only the Government which is to recover the land from the plaintiffs. Even regarding the administration of the temple, if there is any maladministration, then the same may be referred to the Hindu Religious and Charitable Endowment Department for any further action. The defendants cannot be expected to trespass into the land and disturb the peaceful administration of the temple.

In view of the foregoing discussion, this Court finds no question of law, much less substantial question of law, arising for consideration in this Second Appeal. In fine, the Second Appeal fails and the same stands dismissed confirming the concurrent finding of the Courts below. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub. Assistant Registrar

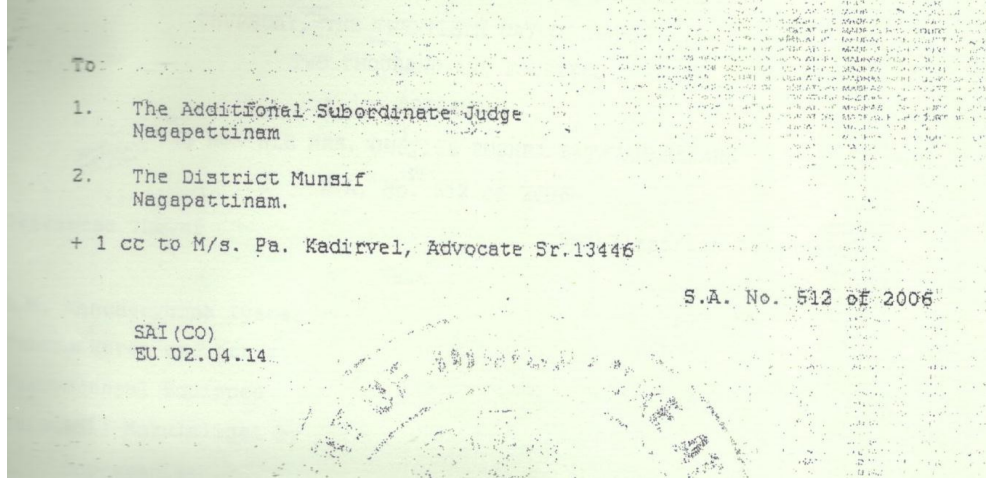
gri

bp 0094667



W.P.No.22037 of 2021

WEB COPY



6. It appears that in the prayer portion of the second appeal, a secretarial error has crept in, as it is concurrent judgments and not reversing judgment but refrain from expressing any opinion on the same as that may be outside the realm of the legal drill at hand.

7. Be that as it may, suffice to say that aforesaid suit does not pertain to declaration of title much less declaration of title qua said land. Equally important point is, State is not a party to the aforementioned suit.



W.P.No.22037 of 2021

WEB.COM

8. In the aforesaid backdrop, a simple question that arises is whether said land belongs to said temple or it is Government land. In any event, even according to second appeal judgment of this court, said temple is situate only in S.No.45 and that will remain undisturbed qua impugned advertisement/notice is learned State counsel's say.

9. In this fact setting, it is deemed pertinent to write that in M.K.Gandhi case [M.K.Gandhi Vs. The District Collector, Salem and others - order dated 25.06.2025 in W.P.No.13831 of 2022] reported in Neutral Citation **2025:MHC:1668**, this Court has traced the position qua public temples in the light of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of brevity]. Relevant paragraphs of M.K.Gandhi as extracted in the order dated 07.08.2025 made in W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025 (hereinafter referred to as 'Viruthagireeshwarar Thirukoil case') are paragraph 13 to 21 and the same read as follows:

'13. TN HR & CE Act, which received Presidential assent on 19.11.1959, kicked in (came into force) on and from 01.01.1960 vide a notification dated 16.12.1959 notified in Fort St. George Gazette dated 16.12.1959 made under Section 1(4)(a). To be noted, sub section (4) of



WEB COPY



W.P.No.22037 of 2021

section 92 insofar as it relates to consultative committees and sub committees thereof and section 116(2)(xxi) did not kick in on 01.01.1960 and these two provisions were to come into force retrospectively on 28.11.1958 vide section 1(4)(b) of TN HR & CE Act.

14. Prior to (Presidential assent) 19.11.1959, to be precise on 13.04.1959, the SoR (Statement of Objects and Reasons) qua TN HR & CE Act was published in the Fort St. George Gazette Extraordinary. A careful perusal of the SoR makes it clear that it was considered necessary to put in place a comprehensive Act which is applicable to all 'Hindu Public Religious institutions and endowments' except Incorporated and Unincorporated Devaswoms in Kanyakumari district and Shencottah taluk of Tirunelveli District. Suffice to say that the object of the TN HR & CE Act inter-alia is to make it applicable to all 'Hindu public religious institutions'. This part of the SoR has been codified vide sub section (3) of section 1 which makes it clear that TN HR & CE Act is applicable to all (a) Hindu public religious institutions, (b) endowments, (c) incorporated Devaswoms and (d) unincorporated Devaswoms. As regards these four categories, all four terms have been defined. (a)religious institution, (b) endowment, (c) incorporated Devaswoms and (d) unincorporated Devaswoms are defined vide sub sections (18), (17), (12) and (23) respectively, all of section 6 of TN HR & CE Act.

15. The definition of 'religious institutions' vide Section 6(18) makes it clear that it includes five categories of institutions,



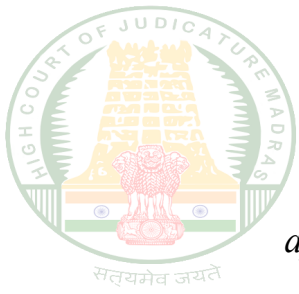
WEB COPY

namely (a) math, (b) temple, (c) specific endowment, (d) samadhi and (e) brindhavan. While three are defined, two are explained. Math, Temple and specific endowment are defined vide sub sections (13), (20) and (19) of section 6, samadhi and brindhavan are explained vide Explanation (1) and (2) respectively of section 6(18).

16. Therefore, it is clear that 'temple' is a 'religious institution', both of which are defined terms. The definition of temple vide section 6(20) makes it clear that a place of public religious worship which is dedicated to or which is for the benefit of, or used as of right by the Hindu community or of any section thereof as a place of public religious worship, is a temple irrespective of designation by which it is known.

17. There is no dispute before this court that 'Sri Varasithi Vinayagar Temple and Sri Sorna Ellai Kaliyamman Temple in Thookkanampatti village, Mettur Taluk, Salem District' which are collectively being referred to as 'said temples' are places of public religious worship inter-alia for the benefit of Hindu Community. Therefore, said temples snugly fit into the definition of 'temple' vide section 6(20). This in turn means that said temples are 'religious institutions' within the meaning of section 6(18). As already alluded to supra, TN HR & CE Act is applicable to all Hindu public religious institutions.

18. The obtaining legal position of TN HR & CE Act



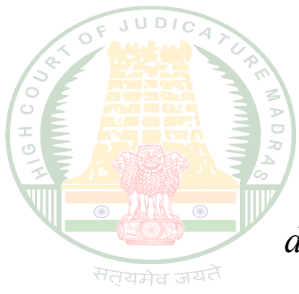
WEB COPY



W.P.No.22037 of 2021

applies to 'all' Hindu public religious institutions is buttressed by a careful perusal of Sections 3 and 4 of TN HR & CE Act. While section 3 deals with the power of the Government to extend TN HR & CE Act to charitable endowments, section 4 deals with the power of the Government to exempt any religious institution from the provisions of TN HR & CE Act or Rules thereunder. The above means that only with regard to charitable endowments, the Government has to extend all or any of the provisions of the Act and rules made thereunder if circumstances set out in section 3 comes into play. To be noted, 'charitable endowments' are different from 'temples' which are 'religious institutions'. As already alluded to supra, 'temple' is defined vide section 6(20) and 'religious institution' which is defined vide section 6(18) includes a temple but 'Charitable endowments' is defined separately vide section 6(5) which talks about property given or endowed for the benefit of Hindu or Jain communities or any section thereof for the support or maintenance of rest houses, choultries, patasalas, etc.,

19. The above obtaining legal position which is clear as daylight from the ecosystem of TN HR & CE Act means that TN HR & CE Act per se applies to all Hindu public religious institutions which includes temples and as regards, charitable endowments, only if it is extended by the Government by way of notification vide section 3. It is clear from the legal architecture of the statute that absent exemption under section 4 or



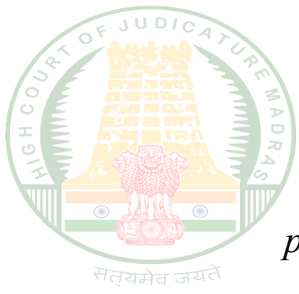
WEB COPY



W.P.No.22037 of 2021

declaration that a temple is a private temple, irrespective of whether a religious institution (temple) finds place in the list to be published by the Commissioner of TN HR & CE Department under section 46 or not, it is a public temple under the sweep of the statute. The reason is TN HR & CE Act provides for appointment of trustees and Fit person for religious institutions (temples) which do not find place in section 46 list also. This is clear from section 49 which provides for jurisdictional Assistant Commissioner appointing Fit persons to religious institutions which are not included in section 46 list. If a temple find place in the list published by the Commissioner under section 46, the Government, Commissioner, Joint Commissioner / Deputy Commissioner are vested with powers to appoint Fit person/s pending constitution of Board of Trustees. If a temple does not find place in the list, the jurisdictional Assistant Commissioner will have power under section 49 to appoint Fit person.

20. The sum sequitur is, individuals cannot self style themselves as President, Secretary, Treasurer or Administrator of a temple by whatever name called de hors TN HR & CE Act unless there is exemption under section 4. Likewise, a Trust or any other entity cannot style itself to be in administration of a temple de hors TN HR & CE Act. If individuals have any hereditary right or other rights to be in management and administration of a temple, they have to resort to various



W.P.No.22037 of 2021

WEB COPY

provisions under Chapter V of TN HR & CE Act and obtain suitable orders from the quasi judicial authority.

21. Therefore, absent exemption under Section 4 or any decree from a Civil Court to the effect that a temple is a private temple, said TN HR & CE Act would apply. In this view of the matter, as there is no material before us to demonstrate that said temples are private temples, though there is an averment in the aforementioned support affidavit that said temples are private temples, we deem it appropriate to suo motu implead the following officials as RR8 to 10 respectively:

*(i) The Commissioner
Hindu Religious and Charitable Endowments
Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 034*

*(ii) The Joint Commissioner
Hindu Religious and Charitable Endowments
Department
Kottai Mariamman Temple Complex
Salem 636 001*

*(iii) The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department
Kottai Mariamman Temple Complex
Salem 636 001*

Mr.K.Karthikeyan, learned Government Advocate, accepts notice on behalf of newly impleaded RR8 to 10 and also consents for having the main WP heard out.'



W.P.No.22037 of 2021

WEB COPY 10. In the light of M.K.Gandhi principle, we now suo motu implead

(a) the Commissioner, Hindu Religious and Charitable Endowments Department, No.119, Uthamar Gandhi Salai, Nungambakkam, Chennai 600034, (b)the Joint Commissioner, Hindu Religious and Charitable Endowments Department, No.64/2, Neela North Street, Nagapattinam-611001 and (c)the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Netaji Lane (Near Old Bus stand), Nagapattinam-611001, as respondents 5, 6 and 7 respectively. We issue notice to respondents 5 to 7 and Mr.S.Ravichandran, learned Additional Government Pleader (HR & CE) accepts notice.

11. Taking judicial notice of aforesaid factual matrix in the light of obtaining legal position, we direct respondent No.7 [Assistant Commissioner] to appoint a Fit Person qua said temple within a fortnight from today, i.e., on or before 25.08.2025. In this regard, we make it clear that all rights and contentions, if any, of writ petitioner and other similarly placed persons as regards said temple will stand protected.

Page Nos.22/26

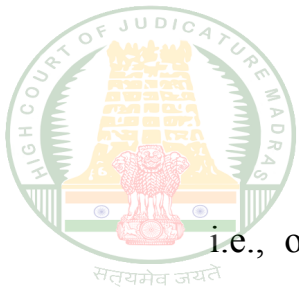


W.P.No.22037 of 2021

WEB COPY 12. As regards certiorari limb, we are not dislodging the impugned advertisement/notice but we make it clear that further action, if any and if that be so, shall be after the writ petitioner's objection dated 17.09.2021, stand of the Fit Person (to be appointed within two weeks from today, i.e., on or before 25.08.2025) are taken into account and a speaking order is made by R2.

13. If said land is temple land, we make it clear that there cannot be any alienation dehors Section 34 of TN HR & CE Act. Therefore, section 34 has to be resorted to if said land turns out to be temple land. If that not be so, i.e., if it is a Government land, further action regarding transfer to Horticulture Department can proceed but without dismantling, demolishing or disturbing said temple in any manner.

14. In the light of the narrative thus far, we make it clear that the Fit Person to be appointed within a fortnight, i.e., on or before 25.08.2025, shall send his objection / representation within another fortnight therefrom,



W.P.No.22037 of 2021

i.e., on or before 08.09.2025 and Respondent No.2 shall consider writ petitioner's objection dated 17.09.2021, stand of the Fit Person and make further orders within another four weeks therefrom, i.e., on or before 06.10.2025. The order so made by second respondent shall be served on writ petitioner under due acknowledgment within seven working days from the date of the order.

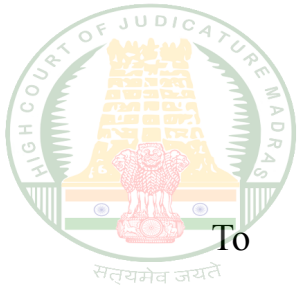
15. The captioned Writ Petition is disposed of in the aforesaid manner. In the light of the time lines drawn up, captioned Writ Miscellaneous Petitions thereat become otiose and therefore, the same are disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)

11.08.2025

Index : Yes
Speaking Order
Neutral Citation : Yes
vvk

Page Nos.24/26



W.P.No.22037 of 2021

To

WEB COPY

- 1.The District Collector,
Nagapattinam District,
Nagapattinam.
- 2.The Tahsildar,
Vedaranyam,
Nagapattinam District.
- 3.The Block Development Officer,
Thalanayar,
Nagapattinam District.
- 4.The Village Administrative Officer,
Vellapallam,
Vedaranyam Taluk,
Nagapattinam District.
- 5.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600034.
- 6.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
No.64/2, Neela North Street,
Nagapattinam-611001.
- 7.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Netaji Lane (Near Old Bus stand),
Nagapattinam-611001.



WEB COPY



W.P.No.22037 of 2021

M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,

vvk

W.P.No.22037 of 2021

11.08.2025

Page Nos.26/26