



W.P.No.23840 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.23840 of 2021 and W.M.P.No.25113 of 2021

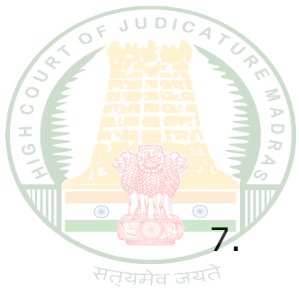
E. Boobalan

Petitioner

vs.

1. The District Collector
Thiruvallur District
Thiruvallur
2. The Project Director
Village Panchayat
Thiruvallur
Thiruvallur District
3. The Assistant Director
Village Panchayat
Thiruvallur
Thiruvallur District
4. The Block Development Officer
Thiruvallur Village Union
Thiruvallur Taluk & District
5. The Tahsildar
Thiruvallur Taluk, Thiruvallur District
6. Banupriya
President
Veeraraghavapuram Panchayat Union
Thandalam Village, Thiruvallur Taluk
Thiruvallur District

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7. The Commissioner
Hindu Religious & Charitable
Endowments Department
119, Uthamar Gandhi Salai
(formerly Nungambakkam High Road)
Nungambakkam
Chennai 600 034

8. The Joint Commissioner
Hindu Religious & Charitable
Endowments Department
Thiruvallur District

9. The Assistant Commissioner
Hindu Religious & Charitable
Endowments Department
Thiruvallur District

Respondents

(RR 7 to 9 *suo motu* impleaded by Court
on 17.06.2025)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of prohibition prohibiting the respondents 1 to 5 herein from demolishing the temple, viz., Sri Mahasaksthi Thiruveethi Amman Alayam situate at Survey No.81/3B, 91/1, 92/2B, Thandalam Village, Veeraraghavapuram Panchayat, Thiruvallur Taluk, Thiruvallur District.

For petitioner	Mr. G. Karthikeyan, Sr. Counsel for Ms. A. Jagadeeswari
For RR 1 to 5	Mr. K. Suresh, Govt. Advocate
For R6	No appearance
For RR 7 to 9	Mr. S. Ravichandran Addl. Govt. Pleader (HR & CE)



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ORDER

[made by M.SUNDAR, J.]

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Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] are 'lands situate in Survey Nos.81/3B, 91/1 and 92/2B, Thandalam Village, Veeraraghavapuram Panchayat, Thiruvallur Taluk, Thiruvallur District' [hereinafter 'said lands' for the sake of convenience and clarity].

2. Mr. G. Karthikeyan, learned Senior Counsel appearing on behalf of Ms. A. Jagadeeswari, learned counsel on record for writ petitioner and Mr. K. Suresh, learned Government Advocate for official respondents (RR 1 to 5) are before us.

3. As regards R6, we deem it appropriate to extract and reproduce the proceedings made in the previous listing on 25.03.2025 which reads as follows:

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M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI.,J.

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

Mr.E.Karthik Raja, learned counsel on record for writ petitioner is before this Court.

2. There are six respondents, all six respondents have been duly served and names and addresses of all the six respondents are duly shown



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in the cause list. Mr.T.K.Saravanan, learned Additional Government Pleader submits that he would represent R1 to R5. As regards R6, as already alluded to supra, notice has been duly served, name and address of R6 are duly shown in the cause list.

3. This Court is informed by the Registry that R6 has not entered appearance through any counsel. Therefore, in the next listing also, if there is no representation for R6, the case will be heard out on the basis of available records and counsel before the Court.

4. Be that as it may, Mr.E.Karthik Raja, learned counsel for writ petitioner requests for an adjournment citing difficulty for Senior counsel Mr.G.Karthikeyan, who is to appear in this matter. Request acceded to.

5. Registry is directed to not to show the name of Mr.G.Karthikeyan in the cause list from the next listing as learned counsel has since been designated as a Senior Advocate by this Court.

6. Adjourned at the request of counsel on record for writ petitioner. List twelve (12) weeks hence. List on 17.06.2025.

gpa [M.S.,J.] [K.G.T.,J.]
25.03.2025'

4. There is no representation for R6 today also though the name and full address of R6 have been shown in the cause list.

5. Therefore, we heard out all the parties before us.

6. Learned Senior Counsel for writ petitioner submits that a temple which goes by the name 'Sri Mahasaksthi Thiruveethi Amman Alayam' [hereinafter 'said temple' for the sake of convenience and clarity] is situate in said lands and it is under imminent threat of demolition.



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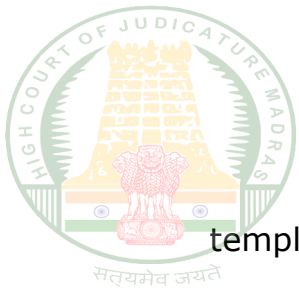
7. Learned Senior Counsel submits that said lands are private lands which were given by way of gift to one M. Balu (donor is one T.S.Prasad) *vide* a registered gift deed dated 03.07.2012 but there are no revenue records before this Court to demonstrate that the said lands are private patta lands.

8. Be that as it may, learned Senior Counsel for writ petitioner very fairly submitted that the said temple is a public temple. Therefore, we *suo motu* implead the following officials as RR 7 to 9 respectively:

- (i) The Commissioner, Hindu Religious & Charitable Endowments Department, 119, Uthamar Gandhi Salai (formerly Nungambakkam High Road), Nungambakkam, Chennai 600 034;
- (ii) The Joint Commissioner, Hindu Religious & Charitable Endowments Department, Thiruvallur District; and
- (iii) The Assistant Commissioner, Hindu Religious & Charitable Endowments Department, Thiruvallur District.

and Mr. S. Ravichandran, learned Additional Government Pleader, accepts notice for newly impleaded RR 7 to 9.

9. We take judicial notice of the position that said temple is a public temple and we direct RR 7 to 9 to appoint a Fit Person for said



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temple within a fortnight from today *i.e.*, on or before 01.07.2025. To be noted, appointment of a Fit Person is a transitory measure and we make it clear that all rights and contentions of writ petitioner and/or any other person/s concerned with the said temple will stand preserved for making appropriate claims *qua* scheme, Trusteeship or any other claim *vide* 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) and if such claims are made, the same shall be considered on their own merits and in accordance with law.

10. Reverting to imminent threat of demolition, we direct a joint survey of said temple to be conducted by R5 after putting on notice writ petitioner, R6 and the Fit Person to be appointed by RR 7 to 9.

11. The joint survey shall be conducted after 01.07.2025 but before 23.09.2025 and a survey report shall be drawn up. If any encroachment is found in the survey, appropriate action shall be commenced under applicable statute which means that the alleged encroachers will be put on notice and given an opportunity before any



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orders are passed. This also means that coercive action, if any and if at all that be so, will be after this exercise. Therefore, the anxiety of the writ petitioner *qua* imminent threat of demolition stands doused.

12. Captioned WP stands disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petition stands disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
17.06.2025

cad

Index: Yes/No

N.C. : Yes/No

To

1. The District Collector
Thiruvallur District
Thiruvallur
2. The Project Director
Village Panchayat
Thiruvallur
Thiruvallur District
3. The Assistant Director
Village Panchayat
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Thiruvallur District



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4. The Block Development Officer
Thiruvallur Village Union
Thiruvallur Taluk & District
5. The Tahsildar
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