



W.P.No.29476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **T.VINOD KUMAR**

W.P.No.29476 of 2025

1.N.Anandakumar
2.P.Kousalyadevi
3.P.Mythilidevi

.. Petitioners

Vs.

1.The District Collector,
Collectorate,
Coimbatore – 641 018.
Coimbatore District.

2.The Revenue Divisional Officer,
Coimbatore South,
Coimbatore – 641 018
Coimbatore District.

3.The Revenue Tahsildar,
Perur Taluk,
Perur – 641 010
Coimbatore District.

4.The Commissioner,
Coimbatore Corporation,
Coimbatore – 641 001
Coimbatore District.



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5.The Superintending Engineer,
Highways, Construction and Maintenance,
Coimbatore – 641 018.

6.The Divisional Engineer,
Highways, Construction and Maintenance,
Coimbatore.

7.A/m.Vinayagar Temple rep. By its
Administrator Murugesan,
Navavur Pirivu,
Coimbatore – 641 046.

8.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
No.124, Uthamar Gandhi Salai
(previously Nungambakkam High Road)
Nungambakkam, Chennai – 600 034.

9.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Dr.Balasundaram Road, Coimbatore.

... Respondents

(R8 and R9 are suo motu impleaded
vide order dated 07.08.2025 in
W.P.No.29476 of 2025)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 6 to remove the offending construction of the seventh respondent temple from the road in S.F.No.876 and Government poramboke in S.F.No.290, Vadavalli Village, Perur Taluk, Coimbatore District by considering the petitioners' representation dated 18.10.2024.



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For Petitioners : Mr.S.Shrish
for Mr.N.Manokaran

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R6
Mr.K.Karthikeyan,
Government Advocate (HR & CE)
for R8 and R9

ORDER

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

This order will now dispose of the captioned 'writ petition' ['WP' for the sake of brevity].

2. Mr.S.Shrish, learned counsel representing Mr.N.Manokaran, learned counsel on record for writ petitioners is before us.

3. Adverting to a representation dated 18.10.2024 from writ petitioner No.1, learned counsel for writ petitioners submitted that there is alleged encroachment by way of construction of what is described as Arulmigu Vinayagar Temple, Navavur Pirivu, Coimbatore (hereinafter 'said temple' for the sake of brevity, convenience and clarity) on the road in S.F. No.876 and Government poramboke land in S.F.No.290, Vadavalli Village, Perur Taluk, Coimbatore District



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(hereinafter 'said land' for the sake of brevity, convenience and clarity).

4. There is no material to demonstrate that said temple is a private temple. Equally, there is nothing on record to show that one Mr.Murugesan has been recognised as Administrator of said temple by the 'Tamil Nadu Hindu Religious and Charitable Endowments Department' (hereinafter 'TNHR & CE Department' for the sake of convenience and clarity) but we preserve all the rights of Mr.Murugesan in this regard.

5. This Court has repeatedly held that in the light of sub-section (3) of Section 1 of 'The Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of brevity], applies to all Hindu public religious institutions and all temples and in the scheme of the Statute, more particularly, definitions vide Section 6 thereat, all temples would qualify as public temples unless exempt under Section 4 of TN HR & CE Act or declared to be a private temple by a competent jurisdictional civil Court. To be noted, 'temple' is defined vide sub-section (20) of



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Section 6 of TN HR & CE Act. Therefore, we deem it appropriate to suo motu implead the Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, No.124, Uthamar Gandhi Salai, (previously Nungambakkam High Road), Nungambakkam, Chennai – 600 034 and the Assistant Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, Dr.Balasundaram Road, Coimbatore as R8 and R9 respectively. Registry to carry out necessary and consequential amendments in the case file forthwith but in any event before uploading/before issue of certified copy.

6. This Court is informed that a Fit Person or Trustee has not been appointed by TNHR & CE Department until now.

7. Besides the obtaining position of law, in the case on hand, there is a important reason as to why this Court has taken judicial notice qua temple by resorting to Section 49 of TNHR & CE Act. The law is well settled that any alleged encroacher should be put on notice and given an opportunity qua RoE (Removal of Encroachment) proceedings. In the case on hand, said temple is the alleged encroacher.



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8. In the light of the aforereferred obtaining legal position, we direct R9 to appoint a Fit Person for said temple under Section 49 of TNHR & CE Act within a fortnight from today i.e., on or before 21.08.2025.

9. To be noted, the aforereferred directive as regards appointment of Fit Person qua said temple is given by taking judicial notice of the factual position before us and with a view to ensure that said temple is represented during possible RoE proceedings about which there shall be allusion infra.

10. Considering the facts and circumstances of the case in juxtaposition with G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 [hereinafter 'said GO' for the sake of convenience] which puts in place a removal of encroachment procedure/mechanism which *inter alia provides for* giving opportunity to alleged encroachers, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (R1 to R6) and dispensing with notice to private respondent (R7) *inter alia* by putting in a safety valve / adequate



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protection *qua* alleged encroacher *i.e.*, R7.

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11. Issue notice to official respondents, *i.e.*, R1 to R6.

12. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 to R6 and Mr.K.Karthikeyan, learned Government Advocate (HR & CE) accepts notice for R8 and R9.

13. In the light of what has been alluded to *supra* and considering the limited scope of the captioned WP, with the consent of both sides, captioned WP was taken up in the Admission Board itself.

14. It was submitted by learned State counsel that said GO has been put in place, wherein and whereby Divisional Monitoring Committee, District Monitoring Committee and State Steering Committee have been constituted *inter alia* for a single point reporting / monitoring system *qua* Government lands.

15. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee



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headed by second respondent (Revenue Divisional Officer, Coimbatore South) *vide* said GO.

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16. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment in said land and ensure that the Fit Person to be appointed by 9th respondent participates in the proceedings before the jurisdictional Divisional Monitoring Committee. It is made clear that proceedings by the jurisdictional Divisional Monitoring Committee shall commence after a fortnight from today so as to enable R9 to appoint a Fit Person.

17. The Divisional Monitoring Committee *qua* said GO shall (if it comes to the conclusion that there is encroachment) report the encroachment to appropriate authorities concerned for further action (for removal of encroachment). In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroacher and therefore, we make it clear that all rights and contentions of alleged encroacher are preserved for being raised before the Committee concerned which shall consider the same on their own merits and in accordance with law untrammelled by



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this proceedings in this Court. The entire exercise shall be completed within a period of 14 weeks from the date of appointment of Fit Person by R9 *i.e.*, by 27.11.2025.

18. It is open to the writ petitioners and / or anyone concerned with this matter, including private respondent/Fit Person to be appointed by R9, to come to this Court on the same issue (even with a similar / same prayer), if there is any change of circumstances.

19. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said land as it turns largely / heavily on facts and it is for the Committee concerned to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta land and it will apply only to public land *i.e.*, if there is any encroachment in public land, which, in turn, means that the question as to whether said land is a public land is also left open for the Committee concerned to take a call.

20. Captioned WP is disposed of with the aforementioned observations, directives and preservation of rights in the aforesaid manner. There shall be no order as to costs.



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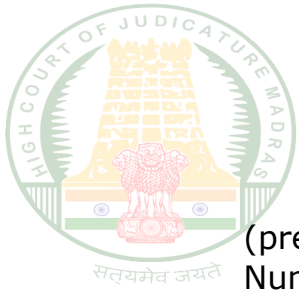
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(M.S.,J.) (T.V.K.,J.)
07.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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(previously Nungambakkam High Road)
Nungambakkam, Chennai – 600 034.

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8.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Dr.Balasundaram Road, Coimbatore.

**M.SUNDAR, J.,
and
T.VINOD KUMAR, J.,**

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