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W.M.P. No.32182 of 2025 in W.P.No.28737 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.M.P. No.32182 of 2025
in
W.P.No.28737 of 2025

M.Ramesh

... Petitioner

vs.

1. The District Collector
Collectorate
Gundu Salai Road
Majakuppam
Cuddalore - 607 001
2. The Revenue Divisional Officer
Virudhachalam Taluk, Cuddalore
Cuddalore District - 606 001
3. The Tahsdilar
Virudhachalam Taluk
Cuddalore
Cuddalore District - 606 001
4. Mulukkandi Vagaiyara
Represented by Mr.Kuppusamy

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S/o.Rajavel
West Street, Vadakiruppu Village
Irappur Post, Virudhachalam Taluk
Cuddalore District

5. The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 34
 6. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District
 7. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District
 8. The Executive Officer
Arulmigu Viruthagireeshwarar Thirukoil
Virudhachalam Taluk
Cuddalore District
- ...Respondents

(R5 to R7 *suo motu* impleaded vide order dated 04.08.2025)
(R8 impleaded today vide this order)

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to issue an of interim injunction restraining Respondents 1 to 3 from granting permission to any person for conducting Kumbabishekam to be held on 08.08.2025 or any other date for the newly constructed temple on the Government Poramboke land comprised in Sruvey Nos.210/8 and 210/9 situate at Iruppu Village, Virudhachalam Taluk, Cuddalore District pending

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W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

disposal of the above writ petition.

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For Petitioner : Ms.Nalini Chidambaram
Senior counsel
instructed by Ms.Uma
(Assisted by Mr. R. Venkata Varathan)

For RR 1 to 3 : Mr. T.K. Saravanan
Add. Govt. Pleader

For R4 : Mr. C. Munusamy

For RR 5 to 7 & R8: Mr. S. Ravichandran
Addl. Govt. Pleader (HR & CE)

ORDER

(Order of the Court was made by M.SUNDAR, J.)

This consent order will now dispose of the captioned 'Writ Miscellaneous Petition' ['WMP' for the sake of brevity].

2. The writ petitioner Thiru.M.Ramesh, son of Thiru. Muthukrishnan, represented by counsel on record Ms.C.Uma, led by Ms.Nalini Chidambaram, learned Senior Advocate (assisted by Mr. R. Venkata Varathan), Mr.T.K.Saravanan learned 'Additional Government Pleader' ['AGP'] for R1 to R3, Mr.Kuppusamy, son of Mr.Rajavel (who is being referred to as R4 for the sake of convenience), represented by counsel on

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record Mr.C.Munusamy, Mr.S.Ravichandran, learned AGP (HR & CE) for

R5 to R7 are before us in physical Court and Ms.Vishnu Priya, Daughter of Thiru.Selvaraj (R2) has joined us on the 'VC' ['Videoconferencing'] platform. To be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court.

3. In the light of our earlier proceedings dated 06.08.2025, we deem it appropriate to add Fit Person of said temple as R8 and Mr.S.Ravichandran, learned AGP accepts notice for R8 also.

4. This order shall be read in conjunction with and in continuation of earlier proceedings / orders dated 04.08.2025 and 06.08.2025 made in captioned main WP and WMP thereat, which read as follows:

Proceedings/Orders dated 04.08.2025

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

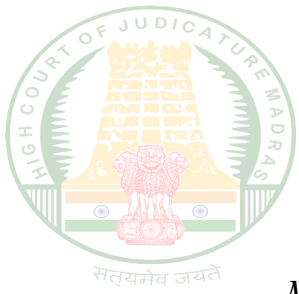
CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.28737 of 2025 and W.M.P. No.32182 of 2025



W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

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M.Ramesh

... Petitioner

vs.

- 1. The District Collector
Collectorate
Gundu Salai Road
Majakuppam
Cuddalore - 607 001*
- 2. The Revenue Divisional Officer
Virudhachalam Taluk, Cuddalore
Cuddalore District - 606 001*
- 3. The Tahsdilar
Virudhachalam Taluk
Cuddalore
Cuddalore District - 606 001*
- 4. Mulukkandi Vagaiyara
Represented by Mr.Kuppusamy
S/o.Rajavel
West Street, Vadakiruppu Village
Iruppur Post, Virudhachalam Taluk
Cuddalore District*
- 5. The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 34*
- 6. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District*
- 7. The Assistant Commissioner*



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W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

*Hindu Religious and Charitable Endowments Department
Cuddalore District* *...Respondents*

(R5 to R7 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing Respondents 1 to 3 to remove the encroachment and demolish any construction work thereon in Survey Nos.210/8 and 210/9 situate at Iruppu Village, Virudhachalam Taluk, Cuddalore District within the time limit to be fixed by this Court and consequently forbear Respondents 1 to 3 from granting any permission to conduct Kumbabishekam to be held on 08.08.2025 or any other date for the newly constructed temple in Survey Nos.210/8 and 210/9 situate at Iruppu Village, Virudhachalam Taluk, Cuddalore District.

<i>For Petitioner</i>	:	<i>Ms.Nalini Chidambaram, Sr. Counsel for Ms. C. Uma assisted by Mr. R. Venkata Varathan</i>
<i>For RR 1 to 3</i>	:	<i>Mr. T.K. Saravanan Add. Govt. Pleader</i>
<i>For R4</i>	:	<i>Mr. C. Munusamy</i>
<i>For RR 5 to 7</i>	:	<i>Mr. S. Ravichandran Addl. Govt. Pleader (HR & CE)</i>

ORDER



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W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

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

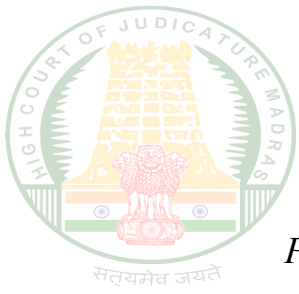
Subject matter of captioned main 'Writ Petition' ['WP' for the sake of brevity] is 'Survey Nos.210/8 and 210/9, both in Iruppu Village, Virudhachalam Taluk, Cuddalore District' [hereinafter 'said lands' for the sake of convenience and clarity].

2. Ms.Nalini Chidambaram, learned Senior Counsel appearing on behalf of learned counsel on record for writ petitioner, assisted by Mr.R.Venkata Varathan, learned counsel, submits that writ petitioner has patta lands in 'S.Nos.210/4 and 210/7A in Iruppu Village, Virudhachalam Taluk, Cuddalore District' [hereinafter 'writ petitioner's lands' for the sake of convenience and clarity].

3. It is submitted by learned Senior Counsel that a temple 'Arulmighu Sri Vinayagar, Sri Murugan, Sri Saivakaliamman and other accompanying deities temple at Vadakiruppu Village, Virudhachalam Taluk, Cuddalore District' (hereinafter 'said temple for the sake of brevity and convenience) that is being put up in said lands is completely obstructing writ petitioner's access to writ petitioner's lands. Repeated representations to official respondents, including representation dated 22.02.2025 have not yielded results necessitating captioned main WP, is learned Senior Counsel's further say.

4. Issue notice to official respondents (respondents 1 to 3).

5. Mr.T.K.Saravanan, learned Additional Government



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Pleader accepts notice for respondents 1 to 3 and Mr.C.Munusamy [(Enrolment No.892/98) with address for service at 451, Additional Law Chambers, High Court, Chennai - 600 104 - Mob: 98412 49010], who is present in Court, accepts notice for fourth respondent.

6. Considering the nature of construction, we deem it appropriate to suo motu implead the following officials as respondents 5 to 7:

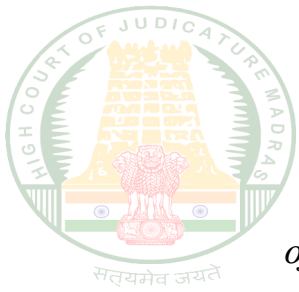
*i. The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 600 034*

*ii. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District*

*iii. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District*

7. Mr.S.Ravichandran, learned Additional Government Pleader (HR & CE), accepts notice for newly impleaded respondents, viz., respondents 5 to 7.

8. After hearing all the counsel for sometime, it comes to light that the crux and gravamen of the issue is, whether said temple in said lands is completely obstructing access to writ petitioner's lands. To ascertain this position and also in the light



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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], more particularly sub-section (3) of Section 1 thereat, the following shall be done:

i) Tomorrow (05.08.2025) at 11.00 a.m., second respondent (Revenue Divisional Officer), with the assistance of third respondent (Tahsildar) and jurisdictional Surveyor, shall conduct a survey of said lands and writ petitioner's lands in the presence of writ petitioner as well as 'Mr.Kuppusamy, son of Mr.Rajavel' ('fourth respondent' for the sake of convenience and clarity) and seventh respondent and draw up a report;

ii) The report of second respondent shall specifically advert to the question as to whether said temple in said lands is completely obstructing access to writ petitioner's lands and whether it is a new construction or renovation, and if it is renovation, period for which the temple had been in existence;

iii) Writ petitioner and fourth respondent are present in Court instructing their respective counsel and they agree for the joint survey;

iv) This Court makes it clear that writ petitioner and fourth respondent shall remain present throughout the survey;

v) In the interregnum, it is open to seventh respondent to appoint a Fit Person for said temple under Section 49 of TN HR & CE Act;

vi) The afore referred report shall be placed before this Court day-after-tomorrow (06.08.2025).

9. List on 06.08.2025.

(M.S., J.)

(T.V.K., J.)



W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

04.08.2025'

WEB COPY Proceedings/order dated 06.08.2025

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

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

*W.P.No.28737 of 2025
and W.M.P. No.32182 of 2025*

M.Ramesh

... Petitioner

vs.

- 1. The District Collector
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Gundu Salai Road
Majakuppam
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Represented by Mr.Kuppusamy
S/o.Rajavel
West Street, Vadakiruppu Village
Iruppur Post, Virudhachalam Taluk*

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W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

Cuddalore District

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5. *The Commissioner*

*Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 34*

6. *The Joint Commissioner*

*Hindu Religious and Charitable Endowments Department
Cuddalore District*

7. *The Assistant Commissioner*

*Hindu Religious and Charitable Endowments Department
Cuddalore District* ...Respondents

(R5 to R7 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing Respondents 1 to 3 to remove the encroachment and demolish any construction work thereon in Survey Nos.210/8 and 210/9 situate at Iruppu Village, Virudhachalam Taluk, Cuddalore District within the time limit to be fixed by this Court and consequently forbear Respondents 1 to 3 from granting any permission to conduct Kumbabishekam to be held on 08.08.2025 or any other date for the newly constructed temple in Survey Nos.210/8 and 210/9 situate at Iruppu Village, Virudhachalam Taluk, Cuddalore District.

For Petitioner : Mr. R. Venkata Varathan

*For RR 1 to 3 :Mr. T.K. Saravanan
Add. Govt. Pleader*

For R4 :Mr. C. Munusamy

*For RR 5 to 7 :Mr. S. Ravichandran
Addl. Govt. Pleader (HR & CE)*



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ORDER

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(Order of the Court was made by M.SUNDAR, J.)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 04.08.2025, which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

CORAM

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

W.P.No.28737 of 2025 and W.M.P. No.32182 of 2025

M.Ramesh

... Petitioner

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Virudhachalam Taluk
Cuddalore*



W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

Cuddalore District - 606 001

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4. *Mulukkandi Vagaiyara*
Represented by Mr.Kuppusamy
S/o.Rajavel
West Street, Vadakiruppu Village
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For Petitioner : *Ms.Nalini Chidambaram,
Sr. Counsel
for Ms. C. Uma
assisted by Mr. R. Venkata Varathan*

For RR 1 to 3 : *Mr. T.K. Saravanan
Add. Govt. Pleader*

For R4 : *Mr. C. Munusamy*

For RR 5 to 7 : *Mr. S. Ravichandran
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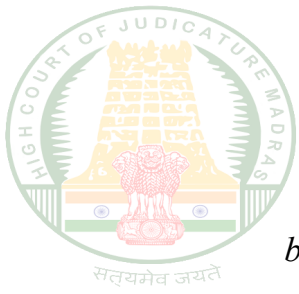
ORDER

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

Subject matter of captioned main 'Writ Petition' ['WP' for the sake of brevity] is 'Survey Nos.210/8 and 210/9, both in Iruppu Village, Virudhachalam Taluk, Cuddalore District' [hereinafter 'said lands' for the sake of convenience and clarity].

2. Ms.Nalini Chidambaram, learned Senior Counsel appearing on behalf of learned counsel on record for writ petitioner, assisted by Mr.R.Venkata Varathan, learned counsel, submits that writ petitioner has patta lands in 'S.Nos.210/4 and 210/7A in Iruppu Village, Virudhachalam Taluk, Cuddalore District' [hereinafter 'writ petitioner's lands' for the sake of convenience and clarity].

3. It is submitted by learned Senior Counsel that a temple 'Arulmighu Sri Vinayagar, Sri Murugan, Sri Saivakaliyamman and other accompanying deities temple at Vadakiruppu Village, Virudhachalam Taluk, Cuddalore District' (hereinafter 'said temple for the sake of



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brevity and convenience) that is being put up in said lands is completely obstructing writ petitioner's access to writ petitioner's lands. Repeated representations to official respondents, including representation dated 22.02.2025 have not yielded results necessitating captioned main WP, is learned Senior Counsel's further say.

4. Issue notice to official respondents (respondents 1 to 3).

5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents 1 to 3 and Mr.C.Munusamy [(Enrolment No.892/98) with address for service at 451, Additional Law Chambers, High Court, Chennai - 600 104 - Mob: 98412 49010], who is present in Court, accepts notice for fourth respondent.

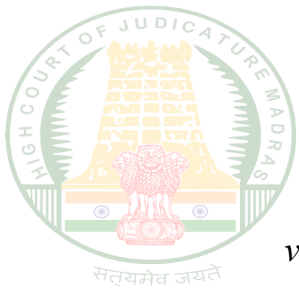
6. Considering the nature of construction, we deem it appropriate to suo motu implead the following officials as respondents 5 to 7:

*i. The Commissioner
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No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 600 034*

*ii. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District*

*iii. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
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7. Mr.S.Ravichandran, learned Additional Government Pleader (HR & CE), accepts notice for newly impleaded respondents,



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viz., respondents 5 to 7.

8. After hearing all the counsel for sometime, it comes to light that the crux and gravamen of the issue is, whether said temple in said lands is completely obstructing access to writ petitioner's lands. To ascertain this position and also 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], more particularly sub-section (3) of Section 1 thereat, the following shall be done:

- i) Tomorrow (05.08.2025) at 11.00 a.m., second respondent (Revenue Divisional Officer), with the assistance of third respondent (Tahsildar) and jurisdictional Surveyor, shall conduct a survey of said lands and writ petitioner's lands in the presence of writ petitioner as well as 'Mr.Kuppusamy, son of Mr.Rajavel' ('fourth respondent' for the sake of convenience and clarity) and seventh respondent and draw up a report;
- ii) The report of second respondent shall specifically advert to the question as to whether said temple in said lands is completely obstructing access to writ petitioner's lands and whether it is a new construction or renovation, and if it is renovation, period for which the temple had been in existence;
- iii) Writ petitioner and fourth respondent are present in Court instructing their respective counsel and they agree for the joint survey;
- iv) This Court makes it clear that writ petitioner and fourth respondent shall remain present throughout the survey;
- v) In the interregnum, it is open to seventh respondent to appoint a Fit Person for said temple under Section 49 of TN HR & CE Act;
- vi) The afore referred report shall be placed before this Court day-after-tomorrow (06.08.2025).



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W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

9. *List on 06.08.2025. '*

(M.S., J.) (T.V.K., J.)
04.08.2025'

2. *Today, Mr.R.Venkatavarathan, learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for Respondents 1 to 3, Mr.S.Ravichandran, learned Additional Government Pleader for Respondents 5 to 7 and Mr.C.Munusamy, learned counsel for fourth respondent are before us.*

3. *Adverting to our earlier proceedings/orders dated 04.08.2025, all the learned counsel submit that Survey, as directed, has since been conducted by R2 in the presence of all concerned. This submission is recorded.*

4. *Mr.T.K.Saravanan, learned Additional Government Pleader requests for a short accommodation to place the survey outcome in the form of a report of R2 before us tomorrow.*

5. *Be that as it may, Mr.S.Ravichandran, learned Additional Government Pleader (HR & CE) submits that Executive Officer of 'Arulmigu Viruthagireeshwarar Thirukoil, Virudhachalam Taluk, Cuddalore District' [hereinafter 'said main temple' for the sake of convenience and clarity] has since been appointed as Fit Person for said temple by R7 vide order dated 05.08.2025 bearing reference செ.மு.நு ந.க.எண்.3383/2025/அ1.*

6. *Learned State counsel requested for a short accommodation to get instructions regarding distance between said main temple and said temple.*

7. *Let Fit Person start discharging his duties.*



W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

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8. *Learned Additional Government Pleader by his own volition has circulated a communication dated 05.08.2025 bearing reference न.क.अ/1741/2025 from R2 to the State counsel regarding survey and outcome of the survey.*

9. *List tomorrow in the Admission Board i.e., Motion List.*

List on 07.08.2025.

(M.S., J.) (T.V.K., J.)
06.08.2025'

5. The aforesaid two proceedings / orders shall now be read as integral part and parcel of this order.

6. This also means that the short forms, abbreviations and short references used in the aforesaid proceedings / orders shall continue to be used in the instant order too.

7. Pursuant to earlier orders, learned AGP has placed before us a report from second respondent dated 05.08.2025 along with typed-set of papers dated 07.08.2025 containing 'A' Register, FMB Sketch, Minutes of Survey and photographs (photographs taken in a GPS Map camera i.e., Global Positioning System).

8. Broadly stated, the following points emerge from report, annexure



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in the form of typed-set and the submissions made before us:

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i) writ petitioner's lands are patta lands belonging to the writ petitioner;

ii) said lands are public lands, one parcel of said lands i.e., S.No.210/8 admeasuring 0.11.50 Hectares is pathway and the other parcel of said lands, namely 210/9 admeasuring 0.50.00 Hectares is Thoppu (grove);

iii) There is encroachment in said lands and the encroachers are writ petitioner, writ petitioner's brother Mr.M.Suresh, said temple and eight other individuals, the details of which have been set out inter-alia by way of a legend/key to the FMB sketch forming part of afore-referred typed-set of papers dated 07.08.2025;

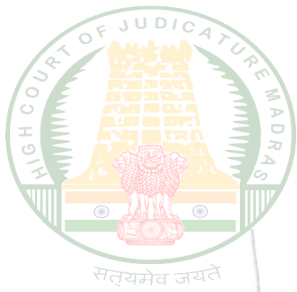
iv) As regards said temple, a part of which appears to be a mandapam is an encroachment;



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v) We deem it appropriate to extract and reproduce the report of second respondent dated 05.08.2025, alluded to supra and scanned reproduction of the same is as follows:



W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORIGINAL JURISDICTION)
W.P.No.28737 of 2025

M.Ramesh, aged about 40 years,
S/o Muthukrishnan,
Vadakiruppu Village,
Iruppu Post, Virudhachalam Taluk,
Cuddalore District. 606 001.

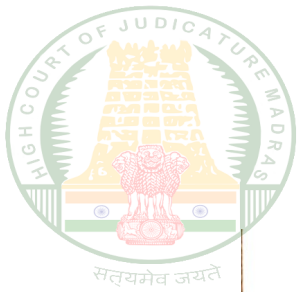
..... Petitioner

-Vs-

1. The District Collector
Collectorate
Gundu Salai Road
Majakuppam
Cuddalore - 607 001
2. The Revenue Divisional Officer
Virudhachalam Taluk, Cuddalore
Cuddalore District - 606 001
3. The Tahsdilar
Virudhachalam Taluk
Cuddalore
Cuddalore District - 606 001
4. Mulukkandi Vagaiyara
Represented by Mr.Kuppusamy
S/o.Rajavel
West Street, Vadakiruppu Village
Iruppur Post, Virudhachalam Taluk
Cuddalore District.
5. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai ,
Nungambakkam,
Chennai - 34,

P. Senthikumar
P. SENTHIKUMAR M.A. BA
Additional Public Prosecutor cum
Additional Government Pleader
Virudhachalam - 606 001.
Cell : 9443293719

V. S. S. S. S.
Revenue Divisional Officer
Virudhachalam



W.M.P. No.32182 of 2025 in W.P.No.28737 of 2025

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6. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Cuddalore District
 7. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department
Cuddalore District.
..... Respondents
- (R5 to R7 suo motu impleaded vide this order)

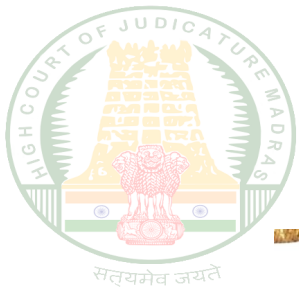
REPORT FILED BY THE SECOND RESPONDENT

I VishnuPriya,D/O Selvaraj, Indian aged about 33 years discharging the duties as Revenue Divisional Officer residing at Government Quarters, Virudhachalam, Cuddalore District and the 2nd Respondent herein and as such I am well acquainted with the facts and circumstances of the case and based on the available records and thus I am filing this Report before this Hon'ble Court.

1. It is respectfully submitted that the petitioner herein had filed this present Writ Petition seeking direction to the respondents 1 to 3 to remove the encroachment and demolish any construction work thereon in Survey Nos.210/8 and 210/9 situated at Iruppu Village, Virudhachalam Taluk, Cuddalore District within the time limit to be fixed by this Court and consequently forbear Respondents 1 to 3 from granting any permission to conduct Kumbabishekam to be held on

P. Senthilkumar
P. SETHILKUMAR M.A., B.L.
Additional Public Prosecutor cum
Additional Government Pleader
Virudhachalam - 606 001.
Cell : 9443293719

Vishnu Priya
Revenue Divisional Officer
Virudhachalam



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08.08.2025 or any other date for the newly constructed temple in Survey Nos.210/8 and 210/9 situated at Iruppu Village, Virudhachalam Taluk, Cuddalore District.

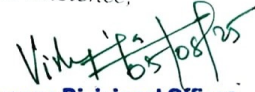
2. It is respectfully submitted that the above Writ Petition was heard by this Hon'ble Court on 04.08.2025, and the Court's order held as follows:

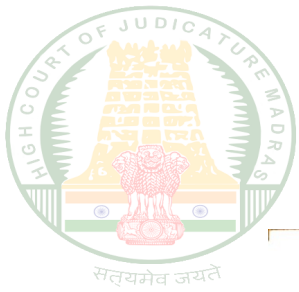
8. After hearing all the counsel for sometime, it comes to light that the crux and gravamen of the issue is, whether said temple in said lands is completely obstructing access to writ petitioner's lands. To ascertain this position and also in the light of 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of brevity], more particularly sub-section (3) of Section 1 thereat, the following shall be done:

i) Tomorrow (05.08.2025) at 11.00 a.m., second respondent (Revenue Divisional Officer), with the assistance of third respondent (Tahsildar) and jurisdictional Surveyor, shall conduct a survey of said lands and writ petitioner's lands in the presence of writ petitioner as well as 'Mr.Kuppusamy, son of Mr.Rajavel' ('fourth respondent' for the sake of convenience and clarity) and seventh respondent and draw up a report;

ii) The report of second respondent shall specifically advert to the question as to whether said temple in said lands is completely obstructing access to writ petitioner's lands and whether it is a new construction or renovation, and if it is renovation, period for which the temple had been in existence;


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iii) Writ petitioner and fourth respondent are present in Court instructing their respective counsel and they agree for the joint survey; iv) This Court makes it clear that writ petitioner and fourth respondent shall remain present throughout the survey;

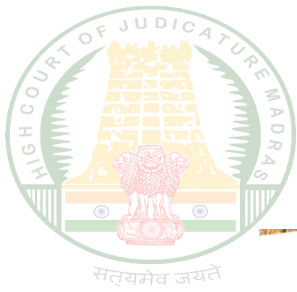
v) In the interregnum, it is open to seventh respondent to appoint a Fit Person for said temple under Section 49 of TN HR & CE Act;

vi) The afore said referred report shall be placed before this Court day-after-tomorrow (06.08.2025)

3. It is humbly submitted that, in accordance with this Hon'ble Court order, the aforementioned village land, specifically survey numbers 210/8 (0.11.50 ares) and 210/9 (0.50.00 ares), was surveyed. This survey was conducted in the presence of the Revenue Divisional Officer, Virudhachalam, the Revenue Tahsildar, Virudhachalam, Jurisdictional Surveyor, the Police Department, the petitioner (Thiru. Ramesh), the fourth respondent (Thiru. Kuppusamy), and all other concerned parties. During the survey, it was ascertained that survey number 210/8 (0.11.50 ares) is a pathway, and survey number 210/9 (0.50.00 ares) is a 'Thoppu' (grove) poramboke. The above survey numbers have been encroached by 10 individuals.

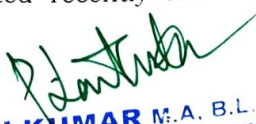

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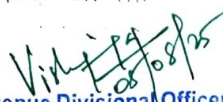

Revenue Divisional Officer
Virudhachalam



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4. It is humbly submitted that the petitioners, Thiru. Ramesh and Thiru. Suresh, own land in the said village survey numbers 210/4 with 0.10.0 ares and 210/7 with 0.30.0 ares respectively. The residents of the neighbouring area filed the above Writ Petition stating that the Private Respondent encroached the government land by way of constructing Sri Saivakaliamman Temple and there is no 'Pathai' (pathway) to their aforementioned patta lands.
5. With regard to the direction made in the above paragraph 8(ii), I humbly submit that the compound wall of the temple constructed encroaches around 2meter width in the North - South direction of the 10-meter wide pathway in Survey No. 210/8, which is classified as Government Poramboke land. Additionally, the petitioner and other villagers have encroached on the East -West direction of the same pathway for about 5 meters width in Hence, The petitioner's access to their patta land in survey number 210/4 and 210/7 has not been completely blocked by the temple.
6. I humbly submit that the aforementioned temple was constructed recently and it was constructed illegally on the


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Government 'Poramboke' land in Survey Number 210/9 (after March 2025). During my inquiry with the villagers and the Village Administrative Officer and on perusal of the Geo Tagged photos, it is found that no temple existed before in that location prior to this construction.

7. It is humbly submitted that the Copy of the Revenue Records, FMB Sketch, Minutes of the Survey and Geo - tagged Photographs of the said location are of the temple annexed as Typed Set along with this report and I pray this Hon'ble Court may take it as part and parcel of the Report.

8. In view of the above mentioned facts and circumstances, I humbly pray that Hon'ble High Court may be pleased to take this Report on record and pass such orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Vriddhachalam

On this the 5th day of August 2025

Signed his name in my presence.


Revenue Divisional Officer
Vriddhachalam
BEFORE ME


P. SENTHILKUMAR M.A.
Additional Public Prosecutor
Additional Government Plea
Vriddhachalam - 606 001
Cell : 9443293719



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9. The writ petitioner, fourth respondent and seventh respondent confirm that they were present throughout the survey, writ petitioner, Respondents 4 and 5 to 8 submit that they have no objection to the afore-referred report of second respondent dated 05.08.2025 and that they accept the same. This submission is recorded as an undertaking given to this Court by all concerned.

10. In the light of the narrative thus far, we are of the considered view that Kumbabishekam festival scheduled to be held on 08.08.2025 (tomorrow) qua said temple (which is sought to be interdicted vide captioned WMP) can go on as fourth respondent as well as Respondents 5 to 8 very fairly submit that no rights will be claimed by them / said temple by virtue of the Kumbabishekam festival tomorrow when it comes to 'Removal of Encroachment' ['RoE'] proceedings qua said lands or in any other manner. To be noted, as already alluded to supra, writ petitioner as well as fourth respondent are present in Court.

11. We have also taken note of the apprehension of second respondent that allowing the Kumbabishekam Festival to go on tomorrow can lead to claim of vested rights and dislodging the same will be a task by itself, if RoE



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is to happen. We find this apprehension to be fair from the Executive/Administrative point of view but this Court is of the considered view that the fair stand taken by fourth respondent as well as writ petitioner coupled with obtaining position that eighth respondent is now the Fit Person (eighth respondent is in the helms of affairs qua said temple) for said temple and TN HR & CE Act comes into play, we find that the common undertaking that no one will claim vested rights or equities (which obviously includes TN HR & CE Department which now controls said temple) will suffice.

12. In any event, RoE if any and if that be so, will be subject to outcome of the main WP where we will be requisitioning a joint report from Respondents 1, 2 and 6 after consultations with all stake holders as regards RoE measures, to retain the temple after removing the encroached part alone or come up with any other alternate suggestion. 'All Stake holders' will necessarily include the writ petitioner.

13. Before we write the operative portion of this order, we deem it appropriate to write that entire eco-system and architecture of TN HR & CE Act and public temple has been elucidatively explained by this Court vide



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order dated 25.06.2025 in W.P.No.13831 of 2022 (M.K.Gandhi Vs. The District Collector, Salem and others) reported in Neutral Citation **2025:MHC:1668**. Relevant paragraphs are Paragraphs 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 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



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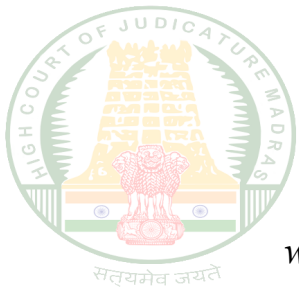
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HR & CE Act is applicable to all (a) Hindu public religious institutions, (b) endowments, (c) incorporated Devaswoms and (d) unincorporated Devaswoms. As regards these four categories, all four terms have been defined. (a)religious institution, (b) 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, 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.

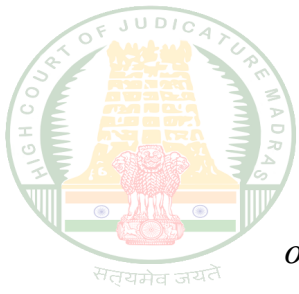
17. There is no disputation before this court that 'Sri Varasithi Vinayagar Temple and Sri Sorna Ellai Kaliyamman Temple in Thookkanampatti village, Mettur Taluk, Salem District'



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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 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



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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 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.



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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 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*



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*(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.'*

14. To be noted, in **M.K.Gandhi** case supra, as reported in the neutral citation, minor typographical/secretarial errors have crept in in Paragraphs 13 and 14 and the same have been corrected (errors removed) in the aforementioned passages and therefore, Paragraphs 13 and 14 shall not be strictly construed as extracts.

15. Before concluding, as already alluded to supra, we reiterate that order in this WMP is a consent order.

Captioned WMP disposed of as closed in the aforesaid manner making it clear that the Kumbabishekam festival scheduled to be held tomorrow (08.08.2025) can go on but subject to caveats, riders set out supra and stated consenting position of parties recorded as undertaking given to

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this Court supra. There shall be no order as to costs.

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

gpa/vvk

To

1. The District Collector
Collectorate
Gundu Salai Road
Majakuppam
Cuddalore - 607 001
2. The Revenue Divisional Officer
Virudhachalam Taluk, Cuddalore
Cuddalore District - 606 001
3. The Tahsdilar
Virudhachalam Taluk
Cuddalore
Cuddalore District - 606 001
4. The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 34
5. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District

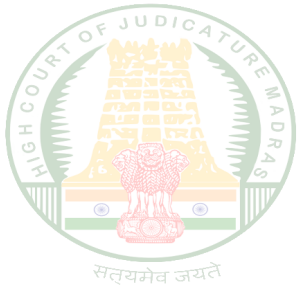
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6. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District

7. The Executive Officer
Arulmigu Viruthagireeshwarar Thirukoil
Virudhachalam Taluk
Cuddalore District



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M.SUNDAR, J.
and
T.VINOD KUMAR, J.
gpa/vvk

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in
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