



W.P.No.32877 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 32877 of 2025

and

WMP Nos.36837 & 36840 of 2025

Marimuthu

... Petitioner

Vs

1.The District Collector,
Salem District,
Salem.

2.The District Revenue Officer,
Salem District,
Salem.

3.The Revenue Divisional Officer,
Attur,
Salem District.

4.The Tahsildar,
Thalaivasal Taluk,
Salem District.

5.The Village Administrative Officer,
Aragalur Panchayat,
Thalaivasal Taluk,
Salem District.

6.A.K.Venkatesan

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the order passed by the 3rd respondent in his proceedings Na.Ka.2034/2025 A2 dated 19.07.2025, quash the same and consequently direct the respondents not to interfere with the management and possession of the Savadi Land and Building comprised in S.No.187/3 measuring 0.0070.5 sq.ft. situated at Aragalur Village, Thalaivasal Taluk, Salem District.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.G.Velu

Additional Government Pleader [R1 to R5]

Notice dispensed with [R6]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records of the order passed by the 3rd respondent in his proceedings Na.Ka.2034/2025 A2 dated 19.07.2025, quash the same and consequently direct the respondents not to interfere with the management and possession of the Savadi Land and Building comprised in S.No.187/3 measuring 0.0070.5 sq.ft. situated at Aragalur Village, Thalaivasal Taluk, Salem District.



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2. Since no adverse order has been passed against the 6th respondent, notice to the 6th respondent is dispensed with.

3. Mr.G.Velu, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 5. In view of the consent expressed by the parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioner is that he is the hereditary Dharmakartha of Sri Ambiyramman Temple located in Aragalur Village, Thalaivasal Taluk, where his family has rendered religious services for over a century. His ancestors built and maintained the said temple and he continues to conduct poojas and festivals as part of his religious duty and family tradition. As part of temple-related activities, the petitioner's forefathers constructed a Savadi on a land parcel measuring 0.0070.5 sq.mtr. in S.No.187/3, used to store pooja items and support temple functions. However, the 6th respondent, claims to be a resident of the village, made a complaint before the 3rd respondent as if the petitioner has encroached the Savadi, pursuant to which, the 3rd respondent has



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passed the impugned order dated 19.07.2025, directing the petitioner to hand over the keys of the building in the Savadi Land in S.No.187/3 to the custody of the Executive Officer, Kamanadeeswarar and Karivaradharaja Perumal Temple, Aragalur. Challenging the same, the present writ petition is filed.

5. The learned counsel for the petitioner submits that the land in S.No.187/3 is enjoyed by the petitioner's family for time memorial. However, the same was disturbed by the 3rd respondent by way of the impugned order dated 19.07.2025. Further, he submits that the 3rd respondent failed to consider the pendency of Civil Suit in O.S.No.155 of 2025 before the District Munsif Court, Attur, which directly pertains to the dispute in question. Accordingly, he prays for allowing this writ petition.

6. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that the subject property in S.No.187/3 is classified as Government Poromboke, in which Savadi is situated and the said Savadi is meant for general public, not for individual. Therefore, the 3rd respondent has passed the impugned order directing the Inspector of



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Police, Thalaivasal to hand over the custody of the keys of the building in the Savadi Land to the Executive Officer, Arulmighu Kamanadeeswarar and Karivaradharaja Perumal Temple, Aragalur from the individual, which is perfectly in order and the same does not require any interference at the hands of this Court. Accordingly, he prays for dismissal of this writ petition.

7. Heard the learned counsel for the parties and also perused the materials available on record.

8. It is claimed by the 6th respondent that the subject property is Government interested land and is classified as Savadi. Even though public construction has been put up, the petitioner and his persons are keeping it in the lock and key. Therefore, he filed a writ petition before this Court in W.P.No.12252 of 2025 and this Court, vide order 04.04.2025, disposed of the said writ petition, directing the 6th respondent herein to make a representation to the 3rd respondent herein, pursuant to which, the 6th respondent made a representation before the 3rd respondent. Subsequently, the 3rd respondent has passed the impugned order dated 19.07.2025, directing the Inspector of Police, Thalaivasal to



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hand over the custody of the keys of the building in the Savadi Land to the Executive Officer, Arulmighu Kamanadeeswarar and Karivaradharaja Perumal Temple, Aragalur from the individual. Aggrieved by the same, the present writ petition is filed.

9. A perusal of the impugned order reveals that the subject property in S.No.187/3 is classified as Government Poromboke, in which the Savadi is situated. Further, though the petitioner claims that he is the hereditary Dharmakarthha of the temple, he has not established with regard to the ownership of the Savadi or the hereditaryship of the Temple. In the absence of any proof with regard to the hereditaryship or ownership, the 3rd respondent has passed the impugned order, directing the law enforcing agency to hand over the keys of the building in the Savadi land to the Executive Officer of the said temple from the individual, in view of the fact that the subject land is classified as Government Poromboke and an individual cannot claim any right over the Government land, which cannot be said to be illegal, perverse or arbitrary. Hence, this Court is not inclined to interfere with the same and this writ petition is liable to be dismissed.



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10. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SP

To

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Salem.
- 3.The Revenue Divisional Officer,
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M.DHANDAPANI, J.

SP

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