



WEB COPY

WP No. 36345 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 36345 of 2025

and WMP NO. 40614, 40611 and 40612 of 2025

1. K.Balu
2. Dhanalakshmi

Petitioner(s)

Vs

1. The District Collector
Office Of The District Collector,
Nagapatinam, Nagapatinam District

2.Dharmapuram Adheenam
Head Office Of Devasthanam
Dharumapuram,
Mayiladuthrai 609 001.

3.Dharmapuram Adheenam
Rep By Cashier A Senthil Kumar
Arulmigu Thiyarajasamy
Devasthanam, Thurkuvalai,
Nagapatinam District.

4.The Special Officer
Thiukuvalai Vilage Panchayat,
Thirukuvalai Taluk,
Nagapatinam District.

5.R Prabhu

6.S Sivasankaran

7.Palaniyappan

8.The Joint Commissioner,
Hindu Religious And Charitable
Endowments Department,
Nagappatinam.



(R8 Suo Motu Impleaded Vide Order
Dated 23.09.2025 Made in
Wp.36345/2025 By MDIJ)

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Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to impugned proceedings issued by the 1st respondent vide Na Ka no. 8754/2024/OO4 Dated 08.09.2025 and quash the same and further direct the respondents not to interfere with the petitioners lease hold property bearing S no. 324/B1 measuring to an extent of 30 cents situated at Karukudi village, Thirukuvalai Taluk, Nagapattinam District.

For Petitioner(s): Mr.S.Arivazhagan
For Respondent(s): Mrs. S. Anitha SGP For R1.
Mr.R.Suresh Kumar for R2
M/s.S.Ravichandran, AGP For R8
Mr.R.Sureshkumar
for M/s.K.M.Vijayan Associates R3
M/s.S.Sarath Chandran For R7

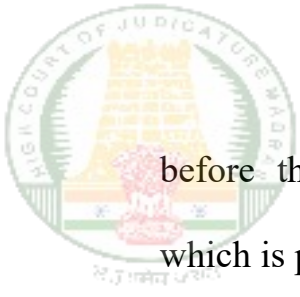
ORDER

This petition has been filed seeking to quash the impugned proceedings issued by the 1st respondent vide Na Ka no. 8754/2024/OO4, dated 08.09.2025 and quash the same and further direct the respondents not to interfere with the petitioners lease hold property bearing S.No. 324/B1 measuring to an extent of 30 cents situated at Karukudi village, Thirukuvalai Taluk, Nagapattinam District.

2. It is the case of the petitioner that the petitioners' family has been in



peaceful possession and enjoyment of the property in S.No.324/B1, measuring about 30 cents, for over three generations. Originally enjoyed by my grandfather, then by my father Kasinathan, the property devolved upon me and my family. On 16.10.2002, I obtained a registered Lease Deed vide Lease Register No.4/2002 from the Registrar of Lease and Rents, in favour of myself and my wife. The northern half was converted into a housing plot (standing in my wife's name) and the southern portion has been under my agricultural use. We have been paying rent regularly to the 2nd and 3rd respondent, which has been acknowledged through proper receipts. However, the 5th to 7th respondents have been continuously interfering with our peaceful possession, falsely claiming a non-existent easementary right of way through our property to reach their land. Their unlawful interference culminated in an attempt to forcibly dismantle our fence by engaging outsiders. This illegal act was successfully resisted by me with the support of my neighbours. Left with no alternative, we have instituted a civil suit in O.S.No.06 of 2024 before the Hon'ble District Munsif-cum-Judicial Magistrate Court, Thirukkuvalai, wherein the matter is presently pending adjudication. While the civil suit in O.S.No.06 of 2024 is still pending, the 4th respondent, in active conspiracy with respondents 5 to 7, once again attempted to forcibly remove the fence erected by me, under the pretext that the villagers were being denied access to the Panchayat well. At his behest, respondents 2 and 3 were also induced to initiate eviction proceedings against me, resulting in the filing of O.S.No.25 of 2024



before the Hon'ble District Munsif-cum-Judicial Magistrate, Thirukkuvalai, which is presently pending adjudication. The said property has been our place of residence for the last three generations. The 5 to 7 respondents have been operating with a malafide intention to grab my land and further the 5 to 7th respondent had encouraged the 2nd and 3rd respondents to file a suit to evict the petitioner. The petitioner has been paying the rent properly and promptly with any default and an agreed percentage of the cultivated crops were given to the aadheenam. These acts of the aadheenam are not at all legal. In view of the order passed in W.P.No.29777/2024, the 1st Respondent called the petitioners for an enquiry on 16.12.2024 at 3.00 PM at the office of the 1st Respondent. The petitioners have appeared before the 1st Respondent and they made statement along with the documents. The 1st petitioner's statement has been recorded. The subject matter of the property belonged to the 2nd and 3rd Respondent. The 1st Respondent has no interfere with the properties of the Adheenam which is not come under the control of HRCE. In these circumstances, on 08.09.2025 the 1st Respondent has passed an impugned order vide Na.Ka.No.8754/2024/Oo4 directed the HR & CE to remove the encroachment of the Adheenam Property. The properties of Adheenam not under the control of HR & CE, the 1st Respondent mechanically passed an order directing the HR&CE to remove the encroachments. Challenging the said order, the present writ petition has been filed.



2. On 23.09.2025, this Court passed the following order:

"Since the subject property comes under the control of Hindu Religious and Charitable Endowments Department, Nagapattinam and the officer of the said Department has not been impleaded in this writ petition, in order to have an effective and complete adjudication of the issue raised in this writ petition, this Court suo-motu impleads The Joint Commissioner, Hindu Religious and Charitable Endowments Department, Nagappatinam as one of the party respondents in this writ petition. Registry is directed to carry out the necessary amendments in the cause title.

2. Mrs.S.Anitha, learned Special Government Pleader, accepts notice on behalf of the 1st respondent and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, accepts notice on behalf of the newly impleaded respondent/8th respondent. 3. The learned counsel for the petitioners submitted that the petitioners are tenants under the respondents 2 and 3 and they are enjoying the property in S.No.324/B1 to an extent of 72 cents. To initiate eviction proceedings against the petitioners, the respondents filed a suit in O.S.No.25 of 2024 on the file of District Munsif cum Judicial Magistrate, Thirukkuvalai. In the said survey number, the petitioners have also obtained a tenancy right under the Record of Tenancy Act to an extent of 30 cents based on the registered Lease Deed No.4 of 2002. Apart from that, the respondents 2 and 3 have also granted lease in favour of the petitioners to an extent of 1307 sq.ft. for construction of house and issued NOC for obtaining electricity service connection and construction of house. In the meantime, the 1st respondent, without any authority, passed the impugned order directing the HR & CE Department to remove the



encroachment made in the properties of the respondents 2 and 3. Challenging the same, the present writ petition is filed. 4. The learned Special Government Pleader appearing for the 1st respondent submitted that the grievance of the general public is that the petitioners are enjoying an larger extent of land belongs to the respondents 2 and 3 and preventing the general public to ingress and egress the Nanja land and the common tank, thereby the 1st respondent has passed the impugned order, which cannot be interfered with. 5. However, the learned counsel for the petitioners submitted that the petitioners are ready to hand over the lands belonging to the respondents 2 and 3 except the lands to an extent of 30 cents and 1307sq.ft., which were granted in his favour. 6. In view of the above, there shall be an order of status-quo, till the next date of hearing.

7. The official respondents are directed to file a comprehensive report along with map with regard to the entire extent of 72 cents belonging to the respondents 2 and 3, occupation of the petitioners in respect of 30 cents and 1307 sq.ft. in S.No.324/B1 and the public pathway, before this Court on the next date of hearing. 8. Post on 29.09.2025 'for filing comprehensive report'. "

3. On 13.10.2025, this Court passed the following order:

"The learned counsel appearing for the petitioner submitted that the respondents instead of comply with the order passed by this Court dated 06.10.2025, fenced the entire property and the petitioner was not able to ingress and egress of the agricultural land available to the petitioner. Hence, the petitioner



may be permitted to allow the general public to use 2.0 ares, which led to the Tank and allow the petitioner to enjoy the agricultural property measuring an extent of 0.18.72 ares and the House property measuring an extent of 0.08.64 ares. 2. Hence, the concerned parties are directed to remove the fence and report before this Court by 15.10.2025. Post on 15.10.2025".

4. The learned counsel for the petitioner submitted that pursuant to the direction issued by this Court, the official respondents removed the entire fencing in the petitioner's land, for which, the entire general public are using the pathway which is available in the petitioner's land, to reach their agricultural land. Hence, the learned counsel seeks that the status quo would be maintained till the disposal of the suit in O.S.No.25 of 2024 before the learned District Munsif-cum-Judicial Magistrate, Thirukkuvalai and O.S.No.06 of 2024 before the Hon'ble District Munsif-cum-Judicial Magistrate Court, Thirukkuvalai,

5. The learned counsel for the second respondent have not raised any objection.

6. Heard the learned counsel for both side and perused the materials available on record.

7. In view of the above, there shall be a direction to the official respondents not to interfere with the petitioner's property to an extent of 30 cents in



S.No.324/B1, 1307 sq. ft. This Court also directs the petitioner not to prevent the general public for using the pathway to reach their agricultural land. The status quo as on date to be continued till the disposal of the suit

8. With the above directions, the writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

22-10-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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Nagapatinam, Nagapatinam District

2.Dharmapuram Adheenam
Head Office Of Devasthanam
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