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W.P.Nos.37401 & 37438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.P.Nos.37401 & 37438 of 2025
and
W.M.P.Nos.41833, 41834, 41836, 41895 & 41896 of 2025**

W.P.No.37401 of 2025:

P.Subramani

... Petitioner

-Vs-

1. The District Collector,
Office of the Collectorate Office,
Villupuram.
2. The District Revenue Officer,
Office of Villupuram Office,
Villupuram.
3. The Deputy Superintendent of Police,
Kottakkuppam,
Villupuram.
4. The Commissioner,
Kottakuppam Municipality.
5. The Tahsildar,
Tahsildar Office,
Vaanur,
Villupuram.



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6. The Assistant Director,
Fisheries Department, THADCO Building,
Villupuram.

7. The Revenue Inspector,
Fisheries Department,
Vaanur, Villupuram.

8. The Inspector of Police,
Kottakkupam Police Station,
Kottakkupam.

9. The Village Administrative Officer,
Kottakkupam.

10. Shree Meykaathamman Koil,
Members of Nadukkupam Village Panchayat,
Nadukkupam,
Kottakkupam.

11. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Near Regional Transport Office,
Collectorate,
Master Plan Complex,
Villupuram.

... Respondents

W.P.No.37438 of 2025:

Shree Meghathamman Temple,
Represented by its Administrator K.Ravi,
Nadukkupam Village Fishermen Panchayat,
Nadukkupam, Kottakkupam Municipality,
Vanoor Circle,
Villupuram,
Tamil Nadu - 605 104.

... Petitioner

-Vs-



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Office of the Villupuram office, Villupuram.
3. The Deputy Superintendent of Police,
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4. The Commissioner,
Kottakuppam Municipality.
5. The Tahsildar,
Tahsildar Office,
Vaanur, Villupuram,
6. The Assistant Director,
Fisheries Department, THADCO Building,
Villupuram.
7. The Revenue Inspector,
Fisheries Department,
Vaanur, Villupuram.
8. The Inspector of Police,
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Kottakkuppam.
9. The Village Administrative Officer,
Kottakkuppam.
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... Respondents



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PRAYER in W.P.No.37401 of 2025 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records in notice Na.Ka.No.1702/2024/F1, dated 18.09.2025, on the file of the fourth respondent with regard to the alleged encroachment to an extent of 100 sq.meters in Survey No.369/2B, Nadukuppam Village, Kottakuppam and to quash the same as ultra vires.

PRAYER in W.P.No.37438 of 2025 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records in notice Na.Ka.No.1702/2024/F1, dated 18.09.2025, on the file of the fourth respondent and to quash the same as ultra vires and to consequently pass an order directing the respondents 1, 2 & 4 to shift / remove the burial ground in Survey No.369/2B at Nadukuppam Village, Kottakuppam Municipality and provide alternate land as burial ground for people in Ward 10 & 11 belonging to Adi Dravidar community.

In W.P.No.37401 of 2025:

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.S.Arumugam
Govt. Advocate for R1 to R3 & R5 to R9
Mr.T.K.Saravanan
Additional Government Pleader for R4

Mr.NRR.Arun Natarajan
Special Government Pleader for R11



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In W.P.No.37438 of 2025:

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.S.Arumugam
Govt. Advocate for R1 to R3 & R5 to R9
Mr.T.K.Saravanan
Additional Government Pleader for R4

Mr.NRR.Arun Natarajan
Special Government Pleader for R10

COMMON ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

Since both the writ petitions have challenged the very same impugned order dated 18.09.2025 and the facts are similar, both the writ petitions were heard together and disposed of by this common order. Further the facts in respect of the first writ petition, i.e., W.P.No.37401 of 2025 filed by the individual alone is taken up for consideration for the purpose of disposal of both the writ petitions.

2. With regard to piece of land at Survey Nos.369/2A and 369/2B at Kottakuppam Municipal area of Villupuram District, it is the third round of litigation between the parties. It is the claim of the writ petitioner that, the land at Survey No.369/2A belongs to the Temple called 'Sri Meghathamman Kovil',



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10th respondent herein, which was originally not under the control of HR&CE Department, but subsequently by order of the Court, a fit person has been appointed, by virtue of that, it has brought under the control of HR&CE Department as stated by Mr.NRR.Arun Natarajan, learned Special Government Pleader appearing for HR&CE Department. Insofar as adjacent Survey No.369/2B is concerned, it belongs to the local body, i.e., fourth respondent Kottakuppam Municipality, where a burial ground has already been established for the purpose of local people.

3. It is in this context, there was a complaint against the present petitioner that he has encroached over a portion of the property at Survey No.369/2B, therefore already a writ petition in W.P.No.28905 of 2025 has been filed by one A.Rajendran to remove such encroachment wherein the learned Single Judge of this Court by order dated 12.08.2025 has given a direction to the Municipality to dispose of the representation given by the said petitioner, i.e., Rajendran dated 07.04.2025.

4. Only pursuant to the said direction, a notice since has been issued against the present petitioner and he had approached this Court by filing the writ petition in W.P.No.34052 of 2025 challenging the notice dated 21.08.2025



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where a detailed order has been passed by the Predecessor Bench on 11.09.2025.

5. Pursuant to these judicial orders, now the impugned order dated 18.09.2025 has been issued by the fourth respondent, thereby they asserted that, in Survey No.369/2B, there has been an encroachment on the part of the petitioner, therefore, it should be removed within seven days, failing which, action would be initiated against him to remove such encroachment. Aggrieved over the same, the present writ petition has been filed.

6. It is the vehement contention on the part of the writ petitioner by the learned counsel Mr.M.Velmurugan that the land at Survey No.369/2A admittedly belongs to the 10th respondent Temple, however, no notice or action has been taken by the Temple authorities or even by the fit person of HR&CE Department to remove any such alleged encroachment on the part of the petitioner. However, on a mistaken identity of the locality of the land between Survey Nos.369/2A & 369/2B, it is the case of the fourth respondent Municipality to state that the petitioner's occupation in the land at Survey No.369/2A is nothing but Survey No.369/2B.



7. In this context, already representation has been given by the petitioner to resurvey the land in both survey numbers at the cost of the petitioner and after verifying the four boundaries in both the survey numbers, the actual encroachment if any on the part of the petitioner or any third parties as alleged by them in Survey No.369/2B can be found out, without resorting to such an exercise, suddenly action has been taken, pursuant to the order passed by this Court dated 11.09.2025 in the writ petition filed by the very same petitioner, since the impugned order has been passed on 18.09.2025, the same is unlawful and unjustifiable, he contended.

8. On the other hand, Mr.T.K.Saravanan, learned Additional Government Pleader appearing for the fourth respondent Municipality, on instructions, would submit that, during the month of February, 2025, the survey in fact had been conducted, where they found that there has been an encroachment on the part of the writ petitioner in Survey No.369/2B, therefore in order to remove such encroachment, notice has already been issued more than two times, despite the effort having been taken by the fourth respondent nothing has materialized and no co-operation had come from the petitioner, therefore, pursuant to the order dated 11.09.2025, the order has been passed on 18.09.2025 which is impugned herein, hence the said order does not warrant any interference at the hands of the Division Bench, he contended.



9. On the other hand, Mr.NRR.Arun Natarajan, learned Special Government Pleader appearing for HR&CE Department would submit that, originally 10th respondent Temple was not under the control of HR&CE Department, but subsequent to the order passed by the writ Court, a fit person has been appointed and the land at Survey No.369/2A belongs to the Temple and if at all any encroachment is found either from the petitioner or from any third party in the said Temple land, steps would be taken by the Temple authorities to remove such encroachment, therefore insofar as the land at Survey No.369/2A is concerned, the fourth respondent Municipality does not have any jurisdiction to enter upon either in the name of the Municipality or in the name of removal of alleged encroachment etc., he contended.

10. Mr.S.Arumugam, learned Government Advocate appearing for the respondents 1 to 3 & 5 to 9 would submit that, the Revenue Tahsildar along with the fourth respondent / Commissioner would make a joint effort to survey both Survey Nos.369/2A & 369/2B and after conducting the survey and after demarcating the boundaries in both the survey numbers, if any encroachment is found in Survey No.369/2B, certainly action would be initiated by the fourth respondent as well as fifth respondent to remove such encroachment in accordance with law.



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11. We have considered the said submissions made by the learned counsel appearing for the respective parties and have perused the materials placed before this Court.

12. Now the issue is whether the alleged encroachment on the part of the petitioner as claimed by the fourth respondent Municipality in the impugned order dated 18.09.2025 is in Survey Nos.369/2A or 369/2B has to be ascertained.

13. In order to ascertain the same, it has become necessitated to have a resurvey of both survey numbers jointly by the respondents 4 & 5 of course in the presence of the petitioner, the fit person of the 10th respondent Temple as well as the village people. After fixing a date in this regard, such resurvey can be conducted within a period of thirty days from the date of receipt of a copy of this order. After conducting the survey, the four boundaries of the survey numbers can be demarcated, wherein if any encroachment is found out, especially from the petitioner at Survey No.369/2B, it is open to the respondents 4 & 5 to take steps under law to remove such encroachment.



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14. Instead, if there has been no encroachment on the part of the petitioner at Survey No.369/2B, the fourth respondent should lay off their hands. If at all, there is any encroachment by the petitioner in Survey No.369/2A as claimed by them, it is open to the Temple authorities to take appropriate action either to remove encroachment or if they want to recognize such encroachment only as a permissible occupant of the petitioner by collecting any ground rent to augment the revenue to the Temple, that measure can also be considered by the Temple authorities at the end.

15. With these observations and directions, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

(R.S.K., J.) (H.C., J.)
09.10.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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**R.SURESH KUMAR, J.
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