



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.45170 of 2025

And

W.M.P.Nos. 50313 and 50315 of 2025

Mr.S.A.Raj @Anthoniraj
S/o. Savariyar
Packiyanathapuram Village
Thirumazhapadi
Ariyalur Taluk and District.

... Petitioner

Vs.

1. The Commissioner
HR & CE Department
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner of
HR & CE Department
Cuddalore Division
Cuddalore.
3. The Executive Officer
Arulmigu Vaithyanathaswamy Temple,
Thirumalapadi Village,
Ariyalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records
1/5



pertaining to the Auction Notice dated 03.11.2025 issued by the third respondent relating to the agricultural land in Survey No. 11/1 measuring to an extent of Acre 2.88 cents, situated at Thirumazhapadi Village, Ariyalur Taluk and District and quash the same and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the land and to recognise the petitioner's status as a cultivating tenant.

For Petitioner : Mr. A.V.Raja

For Respondents : Mr. K.Karthekeiyan
Government Advocate

ORDER

W.M.P.No. 50313 of 2025 stands ordered as prayed for.

2. Mr.K.Karthekeiyan, learned Government Advocate, takes notice for the respondents.

3. The learned counsel for the petitioner states that the petitioner is admittedly a cultivating tenant under the third respondent temple. According to the petitioner, the petitioner is not any arrears of rent and has been regularly paying the admitted rent to the third respondent temple. Depsite the said position, the respondents are attempting to bring the property under



the cultivation of the petitioner, to public auction. Hence, the petitioner has filed the present Writ Petition.

4. The learned Government Advocate states that the petitioner is in arrears of rent and the rights of the petitioner had not been recognised and the payments have been acknowledged only towards damages and even otherwise the payments made by the petitioner are only on account towards arrears and therefore, the case projected by the petitioner is not true. He further states that the petitioner, being an encroacher, according to the respondents, due process of law will be initiated by under Section 78 proceedings and after conclusion of the same, steps will be taken in respect of lands under the cultivation of the petitioner.

5. It is made clear that the possession of the lands with the petitioner shall not be disturbed until finality of the 78 proceedings.

6. The Writ Petition stands disposed of. Consequently, W.M.P.No. 50315 of 2025 stands closed. No costs.

19.11.2025



vsg

Index: Yes / No

Internet: Yes / No

Speaking / Non-Speaking order

To

1. The Commissioner
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Nungambakkam, Chennai - 600 034.
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Cuddalore Division
Cuddalore.
3. The Executive Officer
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P.B.BALAJI, J.,

Vsg

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