



WEB COPY

WP No. 45578 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

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

WP No. 45578 of 2025

AND

WMP NO. 50764 OF 2025

S.C.Kumaran

S/o.S.P.Chidambaram, 333, Sri Marappa Villas,
Perumugaiputhur, Gobichettipalayam, Erode-638
505

..Petitioner(s)

Vs

1.The Commissioner

Hindu Religious And Endowment Board, 119,
Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai-600 034

2.The Deputy Commissioner

Hindu Religious And Endowment Board,
Coimbatore-600 018

3.The Assistant Commissioner

Hindu Religious And Endowment Board, Erode

4.The Special Tashildhar

Hindu Religious And Endowment Department Joint
Commissioner Office, Jawan Bhawan(pattai Verrar
Maligai)erode-638 001



5.The Executive Officer(fit Person)
Office At Sellianandiamman Kovil, Perundurai,
Erode

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India for issuance of writ of Certiorarified Mandamus seeking a direction to call for the records of the 4th respondent notice dated 7.11.2025 Tha.Va.(AA.Ni)Na.Ka.125/2025 and quash the same consequently restrain the respondents from disturbing the petitioner and Kongu Vellala Padathalai community members from using the temple lands in S.F.No.91/1 measuring an extent of 4.72.50 hectares and S.F.No.103 measuring an extent of 4.72.50 hectares and S.F.No.103 measuring an extent of 7.89.00 situated at Moongilpalayam, Perundurai Taluk, Erode District.

For Petitioner(s): Mr.N.Krishnakumar

For Respondent(s): Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of Certiorarified Mandamus seeking a direction to call for the records of the 4th respondent in notice dated 7.11.2025 Tha.Va.(AA.Ni)Na.Ka.125/2025 and to quash the same,



consequently restrain the respondents from disturbing the petitioner and Kongu Vellala Padathalai community members from using the temple lands in S.F.No.91/1, measuring an extent of 4.72.50 hectares and S.F.No.103 measuring an extent of 4.72.50 hectares and S.F.No.103 measuring an extent of 7.89.00 situated at Moongilpalayam, Perundurai Taluk, Erode District.

2. Heard Mr.N.Krishnakumar, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, who accepts notice for the respondents.

3. The learned counsel for the petitioner submits that the petitioner is the Vice President of the Kongu Vellala Padathalai Society which represents the Kongu Group Nattupadathalai Vellala Community. The dispute revolves around the temple lands situated in S.F.Nos.91/1 and 103 at Moongilpalayam, Perundurai Taluk, Erode District. The temple Arulmighu Vijayapuriamman Temple which is the petitioner's community kuladeivam temple is housed in the said survey numbers. Certain 3rd party members claiming rights in the temple filed an application in O.A.No.126 of 1973 before the Hindu Religious and Charitable Endowments department (department) seeking to declare their



hereditary rights. The Deputy Commissioner of the department erroneously entertained their application in the year 1973, without impleading the community members.

4. On coming to know of the same, the community members filed a revision petition in S.M.R.C.No.12711/94/2 before the 1st respondent, which was dismissed in 1996. The above said orders were challenged in a civil suit in O.S.No.434 of 1996 before the I Additional Sub Court, Erode. After trial, the trial Court in and by judgment dated 25.10.2006 declared the temple to be belonging to the private individuals viz., Kongu Vellala Padathalai Community and permanent injunction was also granted against the department from interfering with the administration of the temple. The said judgment and decree was challenged by the department in A.S.No.769 of 2014 and as such, the judgment and decree in O.S.No.434 of 1996 is also stayed and the appeal is pending disposal.

5. It is the grievance of the petitioner that, pending appeal, taking advantage of the interim stay granted, the 1st respondent officials have now issued a notice to survey the property which does not belong to the respondent



department, which was also declared by the trial Court belonging to the private individuals.

6. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader however submits that according to the documents filed in support of the writ petition, a survey has already been conducted and stones have been fixed and the petitioner's right is not in any manner prejudiced or affected. He would also state that no further coercive steps will be taken pursuant to the survey and the parties would respectfully await the final verdict pending in the first appeal.

7. Mr.N.Krishnakumar, learned counsel for the petitioner would however state that even according to the said communication of the 4th respondent/the Special Tahsildhar, Hindu Religious and Endowment Department, Erode, the survey stones are now in the process of being fixed. However, I do not see serious prejudice or threat to the petitioner if a mere survey is undertaken and the boundary stones are fixed.

8. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader would also assures that no further steps pursuant to the survey and fixing survey stones



would be undertaken and the decision in the appeal would be awaited, before taking any further steps.

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9. In view of the above discussions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21-11-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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P.B.BALAJI J.

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