



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.No.46731 of 2025
& WMP.No.52148 of 2025

M.Ashokan

... Petitioner

Vs.

The Fit Person,
In Charge of A/M.Selva Vinayagar Temple,
Pannimadai,
Coimbatore North Taluk,
Coimbatore District.

... Respondent

Prayer: Writ Petition filed under Article 227 of Constitution of India, to issue a writ of Certiorari, calling for the records pertaining to the proceedings issued by the respondent by communication dated 15.09.2025 and to quash the same.

For Petitioner : M/S.V.S.Usharani

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader



ORDER

This writ petition has been filed to quash the proceedings of the respondent, by communication dated 15.09.2025.

2.Heard M/S.V.S.Usharani, learned counsel appearing for the writ petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondent.

3.The case of the writ petitioner is that the petitioner and the petitioner's community belonging to sub sect, named 'Aara Naadu', who are belonging to the barber community, have been maintaining and administering the temple for several decades and in fact, as on date, the temple is more than 100 years old and has a history of his own.

4.The grievance of the writ petitioner is that as part of the expansion of the temple activities, the trustees have constructed a 'Mun Mandapam' in the land belonging to the temple. The construction is also over and it is being used by the general public for performing various functions. At this juncture, the respondent/Fit Person has chosen to issue a notice, treating the



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petitioner as an encroacher and has informed the petitioner that suitable action would be initiated by Assistant Commissioner under Section 78 of the HR & CE Act.

5.The learned counsel for the petitioner would submit that an application under Section 64(1) has also been filed before the Joint Commissioner and therefore, the same may be disposed of expeditiously, which will facilitate the petitioner community to administer and manage the temple effectively.

6.Per contra, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, inviting my attention to the cause title in the writ petition, would submit that the petitioner does not even claim to be a trustee of the temple and admittedly, there is no declaration in favour of the petitioner. He would therefore state that there was no error committed by the Fit Person, treating the petitioner as an encroacher and calling upon the petitioner to hand over the 'Mun Mandabam' to the temple.

7.The learned counsel for the petitioner would submit that the



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petitioner is only representing the temple and is not acting independent of or against the interests of the temple. However, as rightly contended by the learned Special Government Pleader, as on date, there is no declaration of any rights of any person, including the petitioner to be trustees of the petitioner temple and the Section 64(1) application has also been filed only after receipt of notice from the Fit Person.

8.Be that as it may, as the petitioner is also not claiming any interest adverse to that of the temple, there can be no prejudice caused to the Department, if the Section 64(1) application is taken up and disposed of and subject to the result of the said proceedings, if warranted, Section 78 proceedings may be slapped against the writ petitioner.

9.The Special Government Pleader would also invite my attention to a copy of the petition, which is enclosed in the typed set of papers, said to have been filed in November 2025 and points out that the date of presentation is also left blank and it is not known, if really the said petition has been filed before the Joint Commissioner.



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10. In the light of the above, in order to avoid any further technical objection, the petitioner shall file a fresh application, if there is no acknowledgment of the earlier application said to have been filed in November 2025 and also file one more copy of the Section 64(1) petition and due acknowledgment shall be issued by the Joint Commissioner. On receipt of the said petition, the said application under Section 64(1) shall be disposed of, within a period of three months from the date of receipt of a copy of this order, on merits and in accordance with law, after affording a fair opportunities to the petitioner.

11. With the above direction, the Writ Petition is disposed of. No costs. Connected Writ Miscellaneous Petition is closed.

28.11.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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P.B. BALAJI, J.

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