



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

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CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 49615 of 2025

AND

WMP NO. 55462 OF 2025

1. P.Boobalan,
S/o.Perumal,
No.1/188,Palaniammal Koil Street,
Muvarassanpet,
Chennai 600 091

... Petitioner

Vs.

1. The District Revenue Officer,
Chengalpattu District.

2.The Revenue Divisional Officer,
Tambaram,
Chengalpattu District.

3.The Tahsildar,
Pallavaram Taluk,
Chengalpattu District.

4.The Executive Officer,
HR & CE,
Thirisulanathan Swamy Temple,
Thirisulam, Chennai

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the 4th respondent from in any way dispossessing the petitioner from the property at Survey No.41, Thirusulam Village, Pallavaram Taluk, Chengalpattu District to an extent of 2.67 acres without following due process of law.



For Petitioner: Mr.N.C.Ashok Kumar
For Respondent: Mr.N.R.R.Arun Natarajan,
Special Government Pleader, for R4
Mr.A.M.Ayyadurai,
Government Advocate,
for R1 to R3

ORDER

This Writ Petition is filed forbearing the 4th respondent from in any manner dispossessing the petitioner from the property at Survey No.41, Thirusulam village Pallavaram Taluk, Chengalpattu District to an extent of acre 2.67 cents without following the due process of law.

2. Upon hearing the Learned Counsel for the petitioner and perusing the affidavit filed in support of the writ petition and the other material records, the grievance of the petitioner seems to be that the petitioner claims title to the above property by having purchased the same through sale deed. It is the further contention that the 'A' Register of the year 1911 itself shows private person's name and the name of the Temple is not there. Therefore, even though the land is described as an *inam* land, it must be construed as if it was given absolutely to the individuals and thereafter these transfer of title have taken place and the temple, at this distant point of time, cannot claim any right, title or interest in the property and therefore, when the revenue records were mutated in



the name of the temple, the petitioner is agitating the same and at present appeal filed by the petitioner is pending before the District Revenue Officer, Chengalpet. At this juncture, without any authority whatsoever, the Executive Officer of the 4th respondent Temple and the other Subordinate Officials try to enter into the property unauthorisedly with a JCB machine and try to meddle with the existing affairs and therefore, the present writ petition.

3. Per contra, Mr.N.R.R. Arun Natarajan, Learned Special Government Pleader for the 4th respondent would submit that even looking at the 1911 'A' Register, it can be seen that the property is very well described as *inam* land. If the property is only *Devadayam* that is given for the employees so long as they perform the services to the temple, the absolute title vests with the temple alone and no third person can claim right or title thereto. In this regard, the Learned Special Government Pleader would rely upon Section 41 of the HR&CE Act to contend that all transactions with reference to the *inam* properties belonging to the temple, if unauthorisedly made, should be deemed as null and void and the temple will be entitled to move the District Collector for resuming the *inam* land in favour of the temple.



4. Be that as it may, in this writ petition, this Court cannot decide the title one way or the other. It is for the petitioner to establish his title before the appropriate forum, if he so chooses. Similarly, if the temple claims title and if it is an *Inam* property, as rightly pointed out, the temple is entitled to move the District Collector and the District Collector has to conduct due enquiry and pass orders in which also the petitioner will have an opportunity to place on record his version and the District Collector will pass final orders after giving due opportunity to both sides and considering all the material records. Therefore, without any order by the Collector, which would be due process of law, straightaway the temple authorities cannot enter the land and from the proceedings including the Revenue proceedings before the Revenue authorities, especially from the report of the Revenue Inspector and the Tahsildar, it is seen that the petitioner's possession is recognised. Accordingly, this writ petition is partly allowed on the following terms:

(i) The respondents 1 to 4 or any person claiming through them, cannot dispossess the petitioner or in any manner interfere with their possession, except by following due process of law.

(ii) The temple will be entitled to move the District Collector or to take such proceedings in the manner known to law to take possession of the property.



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(iii) There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

17-12-2025

Neutral Citation:No
bsm

To

1.The District Revenue Officer,
Chengalpattu District.

2.The Revenue Divisional Officer,
Tambaram, Chengalpattu District.

3.The Tahsildar,
Pallavaram Taluk, Chengalpattu
District.

4.The Executive Officer,
HR And CE, Thirisulanathan Swamy
Temple, Thirisulam, Chennai

5. The Government Pleader, High Court, Madras.



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W.P.No.49615 of 2



D.BHARATHA CHAKRAVARTHY, J.
bsm

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