



W.P.(MD)No.1907 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.1907 of 2021

and

W.M.P.(MD)No.1636 of 2021

A.Radhakrishnan

... Petitioner

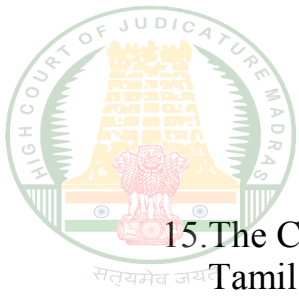
-Vs-

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.
- 2.The Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.
- 3.The Secretary to Government,
Agriculture Department,
Secretariat, Chennai-600 009.
- 4.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.



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- 5.The Secretary to Government,
Panchayatraj and Rural Development Department,
Secretariat, Chennai-600 009.
- 6.The Secretary to Government,
Energy Department,
Secretariat, Chennai-600 009.
- 7.The Secretary to Government,
Commercial Taxes & Registration Department,
Secretariat, Chennai-600 009.
- 8.The Secretary to Government,
Tourism Culture & Endowments Department,
Secretariat, Chennai-600 009.
- 9.The Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.
- 10.The Commissioner of Land Administration,
Chepauk, Chennai-600 005.
- 11.The Director of Survey & Settlement,
Chepauk, Chennai-600 005.
- 12.The Director of Agriculture,
Chepauk, Chennai-600 005.
- 13.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
Chennai-600 002.
- 14.The Director of Panchayat Raj & Rural Development,
Chepauk, Chennai-600 005.



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15. The Chairman,
Tamil Nadu Generation & Distribution Corporation Ltd.,
Chennai.

16. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

17. The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai-600 034.

18. The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai-600 004.

19. The District Collector,
Tanjore.

20. The District Revenue Officer,
Tanjore.

21. The Regional Deputy Director of Survey,
Trichy.

22. The Deputy Inspector General of Registration,
Trichy.

23. The Inspector General of Police,
Central Zone, Trichy.

24. The Executive Officer,
Arulmigu Odhanavaneswarar Swami Temple,
Thiruchotruthurai Village, Tanjore.



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25.The Executive Officer,
Arulmigu Kailasanathar Thirukovil,
Thandagorai, Tanjore.

26.The Present Trustee,
Shri Annapoorani Dharmachatram and
Veda Padagasalai Trust,
Thiruchotruthurai Village,
Tanjore District.

27.Sivakumar

28.Durairaj

29.Saravanan

30.Kannan

31.Krishnamurthi

32.Prabakar

33.G.Malathi

... Respondents

(R33 is impleaded vide Court order dated 13.08.2025 made in W.M.P.(MD)No. 20844 of 2023 in W.P.(MD)No.1907 of 2021)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment and thereby secure, safeguard and restore the property connected to registered Will No.9/1895 dated 16.10.1895 in favour of 26th respondent and thereby, enabling to do favour to 24th and 25th respondents temple as well as to do spiritual charity service by considering the petitioner's representation dated 07.11.2019.

For Petitioner : Mr.Radhakrishnan (Party-in-Person)

For R1 to R14, R16 : Mr.P.Subbaraj,

R17, R19 to R22 Special Government Pleader

For R15 : No Appearance



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For R18 & R23	: Mr.T.Senthil Kumar, Additional Public Prosecutor
For R24 & R25	: Mr.V.Chandrasekar
For R26	: Mr.N.Ganagasapapathy
For R27	: Died
For R28, R31	
R32	: Mr.A.Arul Jenifer
For R29 & R30	: Not ready in notice
For R33	: Mr.C.Vakeeswaran

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Writ on hand has been instituted to direct the respondents to remove the encroachment and thereby, secure, safeguard and restore the property connected to registered Will No.9/1895 dated 16.10.1895 in favour of 26th respondent and thereby, enabling to do favour to 24th and 25th respondents temple as well as to do spiritual charity service by considering the petitioner's representation dated 07.11.2019.

2.The petitioner in person would submit that the subject property belongs to Arulmigu Odhanavaneswarar Swami Temple, Thiruchotruthurai



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Village, Tanjore and Arulmigu Kailasanathar Thirukovil, Thandagorai, Tanjore.

The temple properties are not protected and the trust is not paying usufructuary to the temple as per the trust deed. Thus, actions are to be initiated by the temple. The representations submitted by the petitioner in this regard are not looked into and therefore, the present Writ Petition came to be instituted.

3.The learned counsel appearing for the temple would submit that the properties are vested with the private trust. It is not an endowment under the Hindu Religious and Charitable Endowments Act, 1959. More so, the subject properties had already been taken over by the Government under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 long before. Thus, the land is vested with the Government and therefore, the temple authorities cannot initiate any action. However, it is contended by the petitioner that other properties are also available and no action has been taken.

4.This Court is of the considered view that such general grounds raised by the petitioner cannot be adjudicated in the Writ Petition. However, the authorities competent of HR & CE Department and the temple authorities are bound to look into the matter with reference to the documents available in temple



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records and if requires, initiate appropriate action for protecting the temple's properties in the interest of the deity.

5.The learned counsel appearing for the newly impleaded respondent / respondent No.33 would submit that the property belongs to the respondent No.33 has also been unnecessarily included in the Writ Petition. However, this Court is not adjudicating the civil rights of the parties and the temple authorities are directed to look into the documents and take appropriate decision in this regard.

6.With these direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
13.08.2025
(2/2)

NCC : Yes / No
Index : Yes / No

Yuva

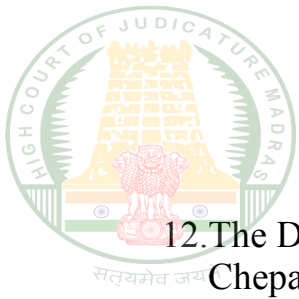
To
1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.

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- 3.The Secretary to Government,
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- 4.The Secretary to Government,
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Secretariat, Chennai-600 009.
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- 9.The Commissioner of Revenue Administration,
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- 11.The Director of Survey & Settlement,
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