



W.P.(MD)No.10944 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

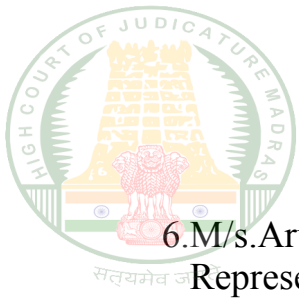
W.P.(MD)No.10944 of 2022

Subramaniyan

... Petitioner

-Vs-

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Tahsildhar,
Tenkasi Taluk,
Tenkasi.
- 3.The Assistant Commissioner,
HR & CE Department,
Tirunelveli-2.
- 4.The Executive Officer,
Sundarapandiapuram Village,
Tenkasi Taluk,
Tenkasi District.
- 5.Lakshmi



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6.M/s.Arulmigu Kulathur Ayyanar Sastha Templ,
Represented by its Authorized Officer/Trustee,
Sundarapandiyapuram,
Tenkasi Taluk, Tenkasi District
(R6 is impleaded vide Court Order
dated 13.10.2023)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the official Respondent Nos.1 to 4 to remove the encroachment made by the fifth respondent in Survey No.97/1, Sundarapandiyapuram, Tenkasi Taluk, Tenkasi District measuring to an extent of 0.15.00 Hectare and take necessary action against the fifth respondent for her illegal acts of encroaching the said land by considering the judgment decree of this Court passed in S.A.No.373 of 2004 dated 23.07.2009 and petitioner's representation dated 18.04.2022.

For Petitioner	: M/s.Nagheswari for Mr.N.Syed Ali
For R1 to R4	: Mr.P.Subbaraj Special Government Pleader
For R5	: Mr.M.Maran
For R6	: Mr.R.Rajeshkumar for Mr.VR.Shanmuganathan

ORDER

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

The writ of mandamus has been instituted to direct the official respondents to remove the encroachments.



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2. The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the encroachments in the Temple properties are identified and enforcement actions are initiated under Section 78 of the HR & CE Act. The authorities are in the process of conducting an enquiry. The fit person of the temple has been appointed.

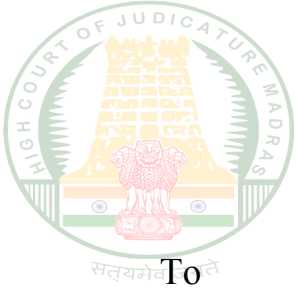
3. In view of the facts and circumstances, the Joint Commissioner and the other responsible competent authorities of the HR & CE Department and the Temple are directed to initiate appropriate action under Section 78 of the HR & CE Act and by following the procedures remove all the encroachments made in the temple properties and utilise the same for the religious purposes as contemplated under the Act. The said exercise is directed to be completed, within a period of four months from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

(S.M.S., J.) & (G.A.M., J.)
28.08.2025

NCC : Yes / No
Index : Yes / No
am

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- 5.The Authorized Officer/Trustee,
M/s.Arulmigu Kulathur Ayyanar Sastha Templ,
Sundarapandiyapuram,
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S.M.SUBRAMANIAM, J.
AND
G.ARUL MURUGAN, J.
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