



W.P(MD)No.14084 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.05.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
AND
THE HONOURABLE MR.JUSTICE R. SAKTHIVEL**

W.P(MD)No.14084 of 2025

and

W.M.P.(MD) Nos.10210 and 10211 of 2025

Arulmigu Kallazhagar Sundaraja Perumal Temple,
Through its Deputy Commissioner/ Executive Officer,
Alagarkovil, Madurai District.

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
Madurai,
Madurai District.
- 3.The Tahsildar,
Madurai North Taluk,
Madurai.
- 4.The Commissioner,
Madurai City Municipal Corporation,
Aringar anna Maaligai.
- 5.The Assistant Commissioner,
Madurai North Zone(Zone-II), Madurai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 3 herein to take appropriate steps to remove the encroachments made by the respondents 4 and 5 in the lands comprised in Survey Nos. 595/8, Block No. 16, Ward No. 10, Tallakulam, Madurai belonging to the petitioner temple and also to mutate the Revenue Entries in the name of Petitioner temple and issue patta in respect of lands in Survey Nos.595/2, 595/3, 595/4, 595/5, 595/6 and 595/8 measuring 1,16,704 Square Feet situated at Tallakulam, Madurai, Madurai District, within the time limit fixed by this Court.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.A.Kannan
Additional Government Pleader
for RR1 to 3

: Mr.K.K.Kannan
Standing Counsel – for RR4 & 5

ORDER

[Order of the Court was made by M.DHANDAPANI, J.]

This writ petition has been filed seeking for a mandamus to direct the Respondents 1 to 3 to take appropriate steps to remove the encroachments made by respondents 4 and 5 in the lands comprised in



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Survey Nos.595/8, Block No.16, Ward No.10, Tallakulam, Madurai belonging to the petitioner temple and also to mutate the Revenue Entries in the name of Petitioner temple and issue patta in respect of lands in Survey Nos.595/2, 595/3, 595/4, 595/5, 595/6 and 595/8 measuring 1,16,704 Square Feet situated at Tallakulam, Madurai, Madurai District.

2. The learned counsel for the petitioner would submit that the property in S.Nos.595/2, 595/3, 595/4, 595/5, 595/6 and 595/8 measuring 1,16,704 square feet belong to Arulmigu Prasanna Venkatachalapathy Temple, Tallakulam, which is a sub-temple of Arulmigu Kallazhagar Sundaraja Perumal Temple and the said land was misused by respondents 4 and 5 by laying road and by putting up constructions. Aggrieved by the same, the petitioner made a representation on 13.02.2021 to respondents 2 and 3 not to encumber or alienate the property and to prevent respondents 4 and 5 from alienating the property. However, no order was passed on the same. Hence, the present writ petition.

3. The learned counsel for the petitioner would submit that already the petitioner temple filed a suit in O.S.No.306 of 1986 on the file of the



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I Additional Subordinate Judge, Madurai as against the State, represented by the District Collector for declaration of title and the said suit was decreed on 27.01.1990 and without following the due process of law, either under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 or the decree passed by the civil Court, respondents 4 and 5 are trying to convey a road for public use, which is impermissible one. However, respondents 2 and 3 have not taken any action.

4. The learned Standing Counsel appearing for respondents 4 and 5 would submit that the said land is classified as “Government poramboke land” which respondents 4 and 5 utilised for public purpose. Hence, the grievance expressed by the petitioner is not sustainable one. Accordingly, he prayed for dismissal of the writ petition.

5. Heard Mr.V.R.Shanmuganathan, learned counsel for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.K.K.Kannan, learned Standing Counsel for respondents 4 and 5.



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6. The learned Additional Government Pleader appearing for respondents 1 to 3 would submit that the petitioner's representation will be considered strictly in terms of the judgment and decree passed by the civil Court in O.S.No.306 of 1986, dated 27.01.1990.

7. In view of the above, this Writ Petition is disposed of directing the first respondent to consider the petitioner's representation strictly in terms of the judgment and decree passed by the civil Court in O.S.No. 306 of 1986, dated 27.01.1990 after providing opportunity to respondents 4 and 5. Respondents 4 and 5 are also directed not to encumber or alienate the property for public purpose till the decision taken by the first respondent. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[M.D.I., J.] [R.S.V., J.]
08.05.2025

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
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