



W.P.(MD)No.16029 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.16029 of 2025

and

W.M.P.(MD)Nos.12119 and 12120 of 2025

Chandrasekar

... Petitioner

-VS-

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Block Development Officer cum Commissioner,
Sankarankoil Panchayat Union,
Sankarankoil, Tenkasi District.

3.The Special Officer,
Kalappakulam Village Panchayat,
Sankarankoil Taluk, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notice dated 09.06.2025 in proceedings in Na.Ka.No.BDOSKL/96/2025-A2 of the second respondent and quash the same as illegal and to direct the second respondent not to lock and seal the petitioner's premises situated in S.F.No.437A/1B1 at Kalappakulam Village Panchayat, Sankarankoil Panchayat Union, Tenkasi District.



W.P.(MD)No.16029 of 2025

WEB COPY

For Petitioner : Mr.M.Prabu
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader
For Arulmigu
Sankaranarayana Swamy Temple : Mr.VR.Shanmuganathan

ORDER

The petitioner approaches this Court seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 09.06.2025, issued by the second respondent, the Block Development Officer, in his proceedings bearing reference Na.Ka.No.BDOSKL/96/2025-A2, quash the same and direct the second respondent to remove the lock and seal placed at the petitioner's premises.

2. The impugned notice was issued pursuant to the order of the Division Bench of this Court in W.P.(MD)No.9424 of 2025, which was disposed of on 03.04.2025. In the aforementioned writ petition, the petitioner had challenged the order of the second respondent (third respondent therein) dated 10.03.2025, bearing reference Na.Ka.No.BDOSKL/96/2024-A2. The said writ petition was disposed of at the admission stage with the following observations:-



W.P.(MD)No.16029 of 2025

WEB COPY

"5. Considering the facts and circumstances of the case, the petitioner is directed to submit an application before the authority concerned to obtain a license and such an application shall be submitted within a period of four weeks from the date of receipt of a copy of this order. On receipt of the application, the authority concerned shall consider and pass orders, within a period of eight weeks therefrom. Till then, the impugned order, dated 10.03.2025 passed by the third respondent, is kept in abeyance. In case the petitioner had defaulted to apply within the time stipulated by this Court, the authority concerned is permitted to take action in accordance with law."

3. The said order was uploaded on 15.04.2025. Pursuant to this, the petitioner was put on notice by the second respondent on 22.04.2025, requesting the petitioner to provide particulars of the application and building plan approval for construction of shops (vegetable shops). The petitioner, however, failed to comply with this request. Therefore, the impugned order was issued and the premises were locked and sealed on 11.06.2025.



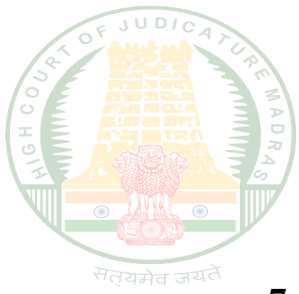
W.P.(MD)No.16029 of 2025

WEB COPY

4. Defending the actions taken by the official respondents, the learned Additional Government Pleader submits that the petitioner had suppressed the fact that an application for construction approval under the Tamil Nadu Town and Country Planning Act, 1971, was filed on 13.03.2025. The Director of the District Office of Town and Country Planning rejected the application on 27.03.2025, stating that the application pertained to land in Survey No.437/1B1, which is owned by Arulmigu Sankara Narayana Swamy Thirukovil, Sankarankovil.

5. Today, Mr.VR.Shanmuganathan, learned counsel for the temple, also appears and submits that the petitioner is a rank encroacher and proceedings have been initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, to evict the petitioner.

6. The learned counsel for the petitioner, at this stage, submits that an appeal has been filed before the Principal Secretary, Town and Country Planning, under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, against the order dated 27.03.2025. Therefore, the petitioner seeks temporary relief.



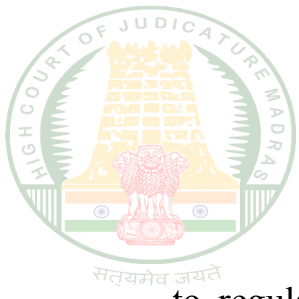
W.P.(MD)No.16029 of 2025

WEB COPY

7. Upon considering the above said submissions, it appears that there are *prima facie* indications that the petitioner may have encroached upon temple property. Therefore, the petitioner may not be entitled to approval for the construction. However, the petitioner contends that he has been in possession of the property and that the vendors and the predecessors' vendors were in possession of the property without any objection from the said temple.

8. If it is the case of the petitioner that the petitioner is the owner of the property, the petitioner has to obtain a declaration from the Civil Court declaring that he is the owner of the property and that the said temple does not have any rights over the property. Be that as it may, there are large-scale violations committed by the petitioner and the presence of over 90 shops, many of which are vegetable stalls, the situation may led to significant deterioration of goods.

9. In the light of these circumstances, this Writ Petition is disposed of, by granting the petitioner one week from today to allow the occupants to remove their belongings, including vegetables, from the premises. The second respondent shall ensure free access for the removal of these items. The petitioner is at liberty



W.P.(MD)No.16029 of 2025

to regularize the possession and await the decision of the Principal Secretary, Town and Country Planning, regarding the approval of the market area. Further, the petitioner may obtain the appropriate license from the local authority under Section 148 of the Tamil Nadu Panchayats Act, 1994. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

12.06.2025

To:-

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W.P.(MD)No.16029 of 2025

C.SARAVANAN, J.

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W.P.(MD)No.16029 of 2025

12.06.2025