



W.P(MD)No.17673 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.17673 of 2025

Palanisamy

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious Cum Charitable Endowment,
Nungambakkam,
Chennai 600 034

2.The Joint Commissioner,
Hindu Religious Cum Charitable Endowment,
Tiruppur.

3.The Assistant Commissioner,
Hindu Religious Cum Charitable Endowment,
Karur.

4.The Executive Officer,
Sri Balasubramanian Temple,
Kathapparai Village,
Vennaiimalai Post,
Karur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 4 to De-Seal the premises of the petitioner's property in Survey No. 238/2 at Kathapparai Village, Karur District and restraining the respondent from



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interfering the possession of the property till the outcome of the suit in O.S.No.132 of 2025 on the file of District Munsif, Karur by considering the petitioner's representation dated 21.06.2025.

For Petitioner : Mr.D.S.Haroon Rasheed
For R1 to R3 : Mr.S.S.Madhavan
Additional Government Pleader
For R4 : Mr.P.Athimoolapandian
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus to direct the respondents 3 and 4 to De-Seal the premises of the petitioner's property in Survey No. 238/2 at Kathapparai Village, Karur District and restraining the respondents from interfering the possession of the property till the outcome of the suit in O.S.No.132 of 2025 on the file of District Munsif, Karur by considering the petitioner's representation dated 21.06.2025.

2. The chequered history of the ownership over the land measuring over and about 500 acres of land which apparently belongs to the subject temple, namely, Arulmigu Balasubramanian Temple in various survey numbers in Kathamparai Village, Authoor Village and Aandankovil Village is the subject



matter under consideration. Earlier, one Mr.A.Radhakrishnan initiated proceedings before this Court in W.P(MD)No.64 of 2018, wherein, various alleged encroachers, including the petitioner, were arrayed as parties. A detailed order came to be passed on 23.10.2019 by the Division Bench of this Court. The operative portion of the said order is re-produced below for the sake of records:

36.The judgments cited above are squarely applicable to the facts in case on hand and by applying the decisions cited supra and also in view of the stand taken by the temple and the District Collector, Karur, this Court passes the following order:

1.Insofar as the first and second categories are concerned, the revenue records are in the name of the temple and if there are any encroachments the temple administration has to initiate appropriate proceedings under Section 78 of HR & CE Act and all the encroachments shall be removed within a period of six months from the date of receipt of a copy of this order.

2.Insofar as the third category is concerned, wherein settlement pattas were given in the name of the individuals, the temple has to work out its remedies by filing a suit within a period of three months from the date of receipt of the copy of the order and the same has to be disposed of by the concerned Court within a period of one year thereof. The fourth respondent as well as the Commissioner, Archives and Historical Research Department shall provide all relevant records of the lands in issue to the HR & CE Department within two months from the date of receipt of copy of this order enabling them to initiate a suit as directed.

3.Insofar as the fourth category is concerned the revenue records have been altered to the name of the individuals during UDR, and it is now reported that the DRO, after due enquiry, has passed orders restoring pattas to the temple and therefore, the temple authorities have to initiate proceedings under Section 78 of HR &



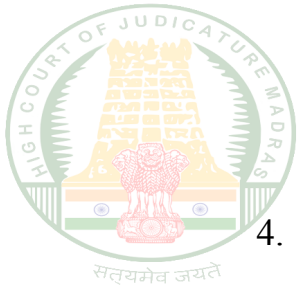
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CE Act and take further action. If the parties are aggrieved, it is for them to challenge the same, in the manner known to law, by approaching appropriate forum and in any event, if any appeal is filed, the same shall be decided within a period of six months thereof.

4.Insofar as the fifth category is concerned, the revenue records have been altered into the name of the individuals after UDR and now it is reported that the RDO has conducted an enquiry and restored the pattas in the name of the temple and therefore, the temple is at liberty to restore their properties by initiating proceedings under Section 78 of HR & CE Act and take further action. If anybody is aggrieved by the order of the RDO, it is open to them to challenge the same before the competent authority, and if any such appeal is filed, the same shall be disposed by the concerned forum on merits within a period of six months from thereof.

37.With the above observation the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

3. Pursuant to the aforesaid order of the Division Bench of this Court, dated 23.10.2019 in W.P(MD)No.64 of 2018, separate proceedings were initiated against the encroachers under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. As against the petitioner, proceedings in Application No.348 of 2021 was initiated under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959. The aforesaid proceedings culminated in an order, dated 16.09.2024 wherein, the petitioner was held to be an encroacher. Therefore, the respondents were granted liberty to evict the petitioner in accordance with Section 79(2) of the Hindu Religious and Charitable Endowments Act, 1959.



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4. The petitioner claims to have purchased the property from the previous owner on 02.06.2000 and claims that the petitioner's predecessor were granted patta under the Inam Abolition Act, 1963. Therefore, it is incumbent on the part of the Hindu Religious and Charitable Endowments Department and the temple authorities to initiate proceedings in terms of direction issued in Paragraph No.36(2) of the aforesaid order, dated 23.10.2019.

5. The admitted position is that the petitioner had rented out the property to DBS Bank India Limited. Since eviction proceedings were initiated against the petitioner and also the DBS Bank India Limited, the DBS Bank India Limited had approached this Court by filing writ petition in W.P(MD)No.26624 of 2024. Meanwhile, the petitioner and others had approached this Court against the order of the Joint Commissioner, dated 16.09.2024 by way of writ petition in W.P(MD)No.4602 of 2025, which came to be disposed of on 20.02.2025 by granting liberty to the petitioner as also the other petitioners therein to approach the civil Court under Section 79(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 after an order is passed under Section 78(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



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6. The petitioner has also filed O.S.No.132 of 2025 before the District Munsif Court, Karur for mandatory injunction to direct the Hindu Religious and Charitable Endowments Department to vacate the property and to sell the vacant land in accordance with Section 51 of the Transfer of Property Act, 1882. The petitioner has also prayed for permanent injunction to restrain the defendants therein (official respondents herein) and the temple from evicting the petitioner from the suit property, as the petitioner claims to be in possession of the same. The said suit is pending as on date.

7. Today, when the case was taken up for hearing, the learned Standing Counsel for the fourth respondent and the learned Additional Government Pleader for the respondents 1 to 3 confirmed that DBS Bank India Limited was directed to deposit the rent directly with the temple vide order dated 06.11.2024 in WP(MD)No.26624 of 2024. It is further confirmed that DBS Bank India Limited has also vacated the premises on 20.06.2025.

8. Considering the prayer of the petitioner in O.S.No.132 of 2025 before the District Munsif Court, Karur and considering the fact that DBS



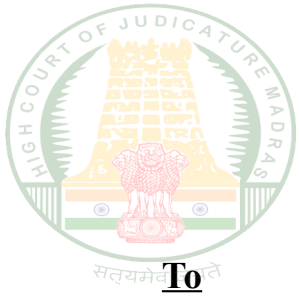
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Bank India Limited has vacated the premises on 20.06.2025, I see no impediment in directing the respondents 3 and 4 herein to lease out the property strictly in accordance with the provisions of Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 read with the Lease of Immovable Property Rules, after fixing a fair rent. The rent amount shall be deposited to the credit of O.S.No.132 of 2025 before the District Munsif Court, Karur. In case, the petitioner succeeds in the suit, the amount shall be paid back to the petitioner and possession shall be handed over to the petitioner. If the petitioner fails in the suit, the amount will be appropriated with further liberty to the respondents to deal with the property in accordance with the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

9. The writ petition stands disposed of. There shall be no order as to costs.

01.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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