



W.P.(MD).No.17832 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).No.17832 of 2025

and

W.M.P.(MD).Nos.13653 and 13655 of 2025

B.Dhanalakshmi

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam Road,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruppur.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Karur.

4. The Executive Officer,
Sri Balasubramaniya Temple,
Kadapparai Village,
Vennamalai Post,
Karur Taluk and District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records in connection with the eviction



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order passed by the 2nd respondent in Miscellaneous Petition No.7/2025/A3 dated 06.05.2025 and signed on 23.05.2025 and quash the same.

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For Petitioner : Mr.M.Mathan Karthick
For R-1 to R-3 : Mr.S.S.Madhavan
Additional Government Pleader
For R-4 : Mr.P.Athimoolapandian
Standing Counsel

ORDER

The petitioner is before this Court against the impugned order passed by the second respondent/Joint Commissioner in his proceedings dated 06.05.2025 under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, pursuant to the application filed in Miscellaneous Petition No.7/2025.

2. The dispute pertains to the land owned by Sri Balasubramaniaswamy Temple, Kadapparai Village, Vennamalai, Karur District. There is a long history to the land dispute. It appears that the Settlement Officer had issued patta to various persons under the Act 30 of 1963 [Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act]. It is the case of the petitioner that the petitioner has been given a revenue patta all along after the petitioner purchased the property on 01.10.1997 from the previous owner and therefore, the



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petitioner has been wrongly proceeded against under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, by treating the petitioner as an encroacher.

3. It is noticed that a Public Interest Litigation came to be filed before the Division Bench of this Court in W.P.(MD).No.64 of 2018 at the behest of one A.Radhakrishnan, who had taken a stand that several temple lands were encroached and the Hindu Religious and Charitable Endowments Department was not taking any steps to protect the interest of the temple. A detailed order came to be passed by the Division Bench on 23.10.2019, wherein, the following directions were issued:

“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.



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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 & 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

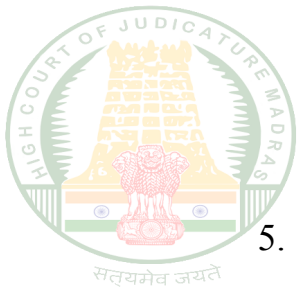


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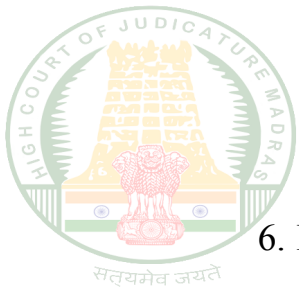
enquiry and restored the pattas in the name of the temple and therefore, the temple is at liberty to restore their properties by initiating proceedings under Section 78 of HR & CE Act and take further action. If anybody is aggrieved by the order of the RDO, it is open to them to challenge the same before 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.”

4. The learned Standing Counsel for the fourth respondent temple submits that the petitioner falls under the fourth category. It is submitted that it is pursuant to the directions of the Division Bench in W.P.(MD).No.64 of 2018 dated 23.10.2019, proceedings have been initiated against the petitioner. It is further submitted that the settlement patta, which was given to the petitioner's predecessor, was challenged before the Settlement Tahsildar and pattas were cancelled as early as on 30.07.1981. It is further submitted that appeals were filed by persons like the petitioner's predecessor before the Inam Abolition Tribunal and the appeals were also dismissed on 28.11.1981. It is submitted that the decision of the Inam Abolition Tribunal dated 28.11.1981 also stood affirmed by the Division Bench by its order dated 11.08.1988 in S.T.A.No.17 of 1982.



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5. It is further submitted that during the course of UDR proceedings, there were certain alterations, as a result of which, fresh entries were made. It is submitted that against the UDR entries, proceedings were initiated before the Revenue Divisional Officer for cancelling the entries made in the revenue records pursuant to the UDR proceedings and that the Revenue Divisional Officer, by his proceedings dated 17.10.2018, corrected the UDR entry in tune with the order of the Settlement Tahsildar dated 30.07.1981 by changing the name of the owner of the subject land as that of the fourth respondent temple, namely, Sri Balasubramaniaswamy Temple, Kadapparai Village, Vennamalai, Karur District. It is further submitted that an appeal was filed, which was also dismissed by the District Revenue Officer in his proceedings dated 22.07.2020. It is submitted that it is only in the light of the above mentioned orders, particularly, the order dated 23.10.2019 in W.P.(MD).No.64 of 2018, proceedings under Section 78 of the Act have been initiated, which has now culminated into eviction order. It is further submitted that the petitioner has an alternate remedy by way of a revision under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the Commissioner.



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6. It is noticed that series of orders have also been passed by this Court in some of the Writ Petitions filed by persons like the petitioner. In W.P.(MD). Nos.25821 of 2024 etc., batch filed by one A.Ravi, K.Muthusamy, S.Ramamoorthy, A.Veerakumar, P.Dhanalakshmi and others, including the petitioner. This Court had passed an order on 22.01.2025, wherein, liberty was given to the petitioners therein to file a civil suit under Section 79(2) of the Act on or before 24.02.2025.

7. It is noticed that the petitioner was also a party to the aforesaid order dated 22.01.2025 as third petitioner in W.P.(MD).No.28189 of 2024. Therefore, the petitioner has a remedy under Section 79(2), which has already been given to the petitioner by order dated 22.01.2025 and which has not been availed by the petitioner till date. Alternatively, the petitioner has the remedy by way of revision under Section 21 of the Act against the impugned order dated 06.05.2025 bearing reference in பலவகை மனு எண்.7/2025/அ3. The petitioner has no case made out for interference in this Writ Petition against the impugned order.

8. Considering the fact that the petitioner has not filed an appeal against the impugned order, liberty is given to the petitioner to challenge the same in



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the manner known to law either before the Commissioner under Section 21 or before the Civil Court under Section 79(2) or both within a period of thirty (30) days from the date of receipt of a copy of this order. Pending such exercise, further proceedings under Section 79 shall be kept in abeyance for a period of 30 days. In case the petitioner fails to secure any interim relief from either of the forum or both the forum, as the case may be, the respondents are at liberty to proceed against the petitioner under Section 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Department.

9. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

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