



W.P.(MD)No.23938 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.23938 of 2018

and

W.M.P.(MD)No.21656 of 2018

V.Rajendran

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Tahsildar,
Taluk Office,
Ramanathapuram.
- 4.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.



W.P.(MD)No.23938 of 2018

WEB COPY

5.The Commissioner,
HR & CE Department,
Nungambakkam, Chennai.

6.The Assistant Commissioner,
HR & CE Department,
Paramakudi, Ramanathapuram District.

7.Arulmigu Agni Veerabathrasamy Temple,
Rep., by its Executive Officer / Inspector,
HR & CE Department, Kannagi Street,
Ramanathapuram, Ramanathapuram District.

8.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

9.The Sub Registrar,
Velipattinam Sub Registrar Office,
Ramanathapuram.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove all the encroachments made over the land in T.S.No.15 to 76 in Block 10 and T.S.No.1 to 88 in block 14 of Ward F of Ramanathapuram Town belongs to the 7th respondent temple based on the Joint Inspection conducted by the Revenue Officials dated 19.04.2018 and hand over the vacant possession to the 7th respondent herein within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh
For R1 to R3 : Mr.S.Shaji Bino,
R8 & R9 Special Government Pleader



WEB COPY



W.P.(MD)No.23938 of 2018

For R4 : No Appearance
For R5 & R6 : Mr.P.Subbaraj,
Special Government Pleader
For R7 : Mr.P.Athimoola Pandian

ORDER

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

The Writ of Mandamus has been instituted to direct the respondents 1 to 4 to remove all the encroachments made over the land in T.S.Nos.15 to 76 in Block 10 and T.S.Nos.1 to 88 in Block 14 of Ward F of Ramanathapuram Town belongs to the 7th respondent temple, based on the joint inspection conducted by the revenue officials dated 19.04.2018 and hand over the vacant possession to the 7th respondent herein within the period stipulated by this Court.

2.The contention of the petitioner is that the temple lands are encroached upon, however, no action has been taken by the competent authority to resume the temple lands, which had been donated for the benefit of the temple. Undoubtedly, the temple lands are to be protected and utilized for the benefit of the temple by following the procedures as contemplated under the Act and Rules framed therein.



W.P.(MD)No.23938 of 2018

Since the petitioner has stated that it is the temple land, actions are to be initiated by the temple authority and the competent authority under the HR & CE Act.

3.The learned counsel appearing for the 7th respondent, relying on the counter affidavit filed by the 7th respondent, would submit that actions have already been initiated and appeals are preferred to cancel the patta before the Revenue Divisional Officer concerned under the provisions of Tamil Nadu Patta Passbook Act, 1983. After disposal of the appeals pending before the Revenue Divisional Officer concerned, all further actions will be initiated to evict the encroachers by initiating the proceedings under Section 78 of HR & CE Act.

4.In view of the fact that the authorities competent under HR & CE Act have initiated action for cancellation of patta and evict the encroachers by initiating the proceedings under Section 78 of HR & CE Act, it is unnecessary for the High Court to adjudicate the relative merits raised between the parties. The parties are at liberty to place their documents before the Revenue Divisional Officer concerned, who is now in the process of adjudicating the matter and the validity of the patta issued in favour of some other persons. It is needless to state that the proceedings are to be expedited by the temple authorities in order to



W.P.(MD)No.23938 of 2018

ensure that the temple properties are to be resumed or utilized for the benefit of the temple and to fulfill the wish of the donors. The officials respondents are directed to expedite the process and conclude the same without causing any delay.

5.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
09.07.2025
(½)

NCC : Yes / No
Index : Yes / No

Yuva

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Tahsildar,
Taluk Office,
Ramanathapuram.

5/7



W.P.(MD)No.23938 of 2018

4.The Commissioner,
HR & CE Department,
Nungambakkam, Chennai.

5.The Assistant Commissioner,
HR & CE Department,
Paramakudi, Ramanathapuram District.

6.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

7.The Sub Registrar,
Velipattinam Sub Registrar Office,
Ramanathapuram.



WEB COPY



W.P.(MD)No.23938 of 2018

S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

Yuva

W.P.(MD)No.23938 of 2018

09.07.2025

(1/2)