



W.P.(MD) No.20206 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.20206 of 2025

and

W.M.P.(MD) No.15587 of 2025

B.Balu Maheswaran

... Petitioner

Vs.

1.The Joint Commissioner,
H.R. & C.E. Department,
Mayiladuthurai.

2.The Assistant Commissioner,
H.R. & C.E. Department,
Kumbakonam.

3.The Executive Officer,
Arulmighu Sundareswara Swami Temple,
Thiruloki, Thiruvidaimaruthur Taluk,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the second respondent's impugned order in Na.Ka.No.1777/2021-1/A7 dated 17.07.2025 and quash the same and continuous enjoying the property in Survey No.235/4, Thiruloki Village.



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For Petitioner : Mr.H.Velavadhas
For R1 & R2 : Mr.S.S.Madhavan
Additional Government Pleader
For R3 : Mr.V.Chandrasekar

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.1777/2021-1/A7 dated 17.07.2025, quash the same, and consequently restrain the respondent from interfering with the petitioner's peaceful and continuous enjoyment of the property in Survey No.235/4, situated at Thiruloki Village.

2. The petitioner has already suffered an order dated 06.02.2025, passed under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in M.P.No.07/2021.

3. The learned counsel for the petitioner submits that the petitioner has filed a revision petition under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the Commissioner, which is under active consideration, and the next date of hearing has been fixed as 04.08.2025. Without awaiting further orders



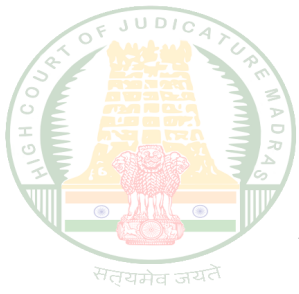
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from the Commissioner, the respondents have initiated the impugned proceedings under Section 79 of the said Act.

4. It is submitted that the petitioner is willing to pay the arrears of rent from 2022, although it is the case of the petitioner that the petitioner is a cultivating tenant within the meaning of the Tamil Nadu Cultivating Tenants Protection Act, 1955.

5. On the other hand, the learned Additional Government Pleader appearing for the first and second respondents submits that the provisions of the aforesaid Act will not apply to the land belonging to the temple or trust, which are covered by the provisions of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.

6. The learned counsel for the third respondent submits that the petitioner has put up a cement construction on the land meant for gardening of the subject temple, namely, Arulmighu Sundareswara Swami Temple, Thiruloki, and is attempting to usurp the property despite the order dated 06.02.2025 passed under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in M.P.No.07/2021.



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7. It is under these circumstances that the construction was sealed on 23.07.2025. It is submitted that the argument of the petitioner that he is a cultivating tenant and that, therefore, the property cannot be dealt with by the respondents under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, cannot be countenanced. Hence, this Writ Petition is liable to be dismissed on this ground.

8. In fact, the petitioner has rightly approached the Appellate Commissioner under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and the case in R.P.No.67 of 2025 is pending. The said case is likely to be taken up for hearing on 04.08.2025.

9. The fact remains that the petitioner has not paid the arrears of rent to the third respondent temple and is now coming forward to pay the same. Considering the above, there shall be a direction to the petitioner to deposit the arrears of rent within a period of 10 days from the date of receipt of a copy of this order. Subject to such deposit, access to the property by the petitioner shall be permitted.



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10. It is made clear that the petitioner shall maintain *status quo* as on date with respect to the construction. The petitioner may carry out agricultural activities, if any.

11. All further proceedings shall be subject to the final outcome of the revision petition in R.P.No.67 of 2025 filed by the petitioner before the Appellate Commissioner. It is made clear that, in case the petitioner's revision petition is dismissed, the petitioner shall *suo motu* hand over possession of the property to the third respondent temple.

12. It is also made clear that, in case the petitioner makes any further construction pending disposal of the revision petition, this order shall stand automatically withdrawn, consequent to which the third respondent shall be at liberty to take re-possession of the temple property.

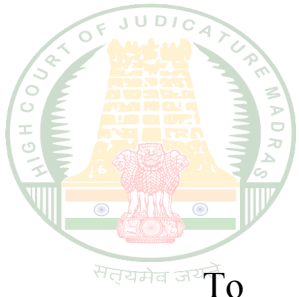
13. In the result, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Neutral Citation : Yes/No



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C.SARAVANAN, J.

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