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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No.20714 of 2025

IN

WMP (MD) Nos.16042 & 16043 of 2025

Sengol Aadheenam
Represented by its 103rd Pontiff,
Sri La Sri Sivaprakasa Desiga Sathya
Gnana Pandara Sannidhi Swamigal,
Perungulam, Eral Taluk,
Thoothukudi Dist.

... Petitioner

Vs

- 1.The Tahsildar
Tenkasi.
- 2.The Sub Registrar
Kadayam, Tenkasi District.
- 3.The Inspector of Police
Alwar Kurichi, Tenkasi District.
- 4.The Executive Officer
Arulmigu Kallapiram Swami Temple,
Srivaigundam, Tuticorin District.
5. S.Rajalakshmi



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6. Joint Commissioner,
HR & CE Department,
Tuticorin District.

... Respondents

(R6 is suo motu impleaded by this Court vide order dated 30.07.2025)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring that the impugned sale deed in Document No.1832/2012 dated 30.03.2012 to the 2nd respondent be void and illegal and consequently mark the appropriate entries of the documents as fraudulent as void within the time stipulated by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.G.Surya Ananth, (for R1&R2)
Additional Government Pleader,

Mrs.M.Aasha, (for R3)
Government Advocate (Crl. Side),

Dr.C.Gunaseelarupan, (for R4)

Mr.S.S.Madhavan, (for R5)
Additional Government Pleader,



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ORDER

The present writ petition is filed for declaration to direct the 2nd respondent to declare the impugned sale deed in Document No. 1832/2012 dated 30.03.2012 as void and illegal and consequently mark the appropriate entries of the documents as fraudulent.

2. The contention of the petitioner is that the land in question belongs to the petitioner/Sengol Aadheenam. Since there were allegations against the Aadheenam, the administration was brought under the HR&CE. Aggrieved over the same, the Aadheenam had challenged it in W.P.No.15841 of 2022 and the same was allowed. Against which, the HR&CE had preferred an appeal in W.A.No.1699 of 2024 and obtained an interim stay. In these circumstances, the petitioner has filed the present writ petition alleging that the 5th respondent has encroached the property, which belongs to the petitioner/Aadheenam.

3. The learned counsel appearing for the 4th respondent submitted that he is only managing the Aadheenam and he is not having any power to evict the 5th respondent.



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4. Repeatedly, the Courts have held that temple properties and Aadheenam properties should be protected. Therefore, the submission of the 4th respondent cannot be accepted.

5. Hence, the 4th respondent is directed to submit a petition within a period of one week from the date of receipt of the copy of the order before the Joint Commissioner to initiate proceedings against the 5th respondent requesting to remove the encroachment. Since the Joint Commissioner, HR and CE Department, Tuticorin District, is not a party, the said official is suo motu impleaded as 6th respondent. The 6th respondent/Joint Commissioner, is directed to initiate proceedings against the 5th respondent within a period of four weeks therefrom. The entire process of removal of encroachment shall be completed within a period of six months therefrom.



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6. The petitioner shall extend his assistance the 4th respondent as well as the 6th respondent/Joint Commissioner in the present proceedings to evict the 5th respondent at the earliest.

7. In case, the interim order in the writ appeal is vacated, the petitioner being the trustee of the Mutt's property and he is at liberty to initiate action against the 5th respondent.

8. However, the prayer in this writ petition cannot be granted, the petitioner is at liberty to approach the competent Civil Court to cancel the sale deed. Even though the petitioner's right to administer the Mutt is questioned in the writ appeal, the petitioner is granted liberty to initiate the civil proceedings against the said sale deed.

9. Since the property belongs to Aadheenam, the private respondent is restrained from further encumbering the property.



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10. With the above directions, this writ petition stands disposed of.

No costs. Consequently, the connected writ miscellaneous petitions are closed.

30.07.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

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