



W.P(MD)No.20989 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.20989 of 2019

K.Mayilu @ Mail

... Petitioner

Vs.

1.The Principal Secretary/Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Road,
Chennai-600 034.

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

3.The District Collector,
Madurai District, Madurai.

4.Thiruvaduthurai Adheenam,
Rep., by its Manager/Administrative Officer,
Thiruvaduthurai, Kuthalam Taluk,
Nagapattinam District.

5.Chellapandi

6.Kalimuthu

7.Soundarapandi

8.Maranadu

9.Kaliraja

10.Muthanan

11.Subbaiyan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 4 to take necessary steps to recover the lands in S.No.29-4, S.No.29-5, S.No.29-9, S.No.31-9, S.No.33-1, S.No.33-4, S.No.35-6, S.No.35-26, S.No.36-7, S.No.37-18, S.No.38-14, S.No.40-4, S.No.41-4, S.No.47-18, S.No.50-6, S.No.52-9, S.No.52-13, S.No.88-2 and S.No.88-11 to the total extent of 5 Hec and 90 Ares belongs to the 4th respondent Mutt situated at Chinna Ulagani Village, Kallikudi Taluk, Madurai District, from the unauthorized possession and enjoyment of the respondents 5 to 11 and their men and further direct them to recover the appropriate amount by calculating the period of illegal possession and appropriate earnings by the private respondents and also direct them to lease out the said lands in transparency manner if they are willing to lease out the same, within the time frame as may be fixed by this Court.

For Petitioner	:	Mr.R.Gowrishankar
For RR1 & 3	:	Mr.P.Thilakkumar Government Pleader
For R2	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.B.Brijesh Kishore
For RR5 to 11	:	Mr.P.Venkatesan

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

Resumption of lands belonging to mutt/religious institution should be done by invoking the provisions of the Tamil Nadu Hindu



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Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “the Act”) or by institution of a civil suit before the competent civil Court. Even the Collector is empowered to receive temple lands under Section 41 of the Act in certain circumstances. Thus, the petitioner has to work out his remedy in the manner known to law. Therefore, this Writ Petition stands dismissed.

2. It is brought to the notice of this Court that the original lease deed executed by the Aadheenam has expired and it was not renewed so far. That being the case, the Aadheenam is entitled to receive the lands by following the procedures as contemplated under law. There shall be no order as to costs.

[S.M.S., J.] [S.S.Y., J.]
03.07.2025

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

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