



W.P(MD)No.22038 of 202

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.22038 of 2025

and

W.M.P(MD)No.17134 of 2025

Madurai Town Hall Road,
Teppakulam Annaithu Siruviyabarigal Nalasangam
Rep by its Secretary,
I.Ramesh,
S/o M.Kumar Sangu Pillai,
Shop No. 09, Perumal Teppakulam West,
Town Hall Road,
Madurai – 625 001.

... Petitioner

Vs.

1.The State

Rep by its Additional Chief Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Govt, of Tamil Nadu,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Commissioner,

Hindu Religious and Charitable Endowments Department,
Mahatma Gandhi Road,
Nungampakkam,
Chennai 600034

3.The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,
Madurai 625 001.



W.P(MD)No.22038 of 202

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai 625 001.

5.The Assistant Commissioner / Executive Officer,
Arulmigu Koodal Alagar Temple,
Madurai 625 001.

6.The Joint Commissioner,
Arulmigu Meenakshi Amman Temple,
Madurai.

7.The Commissioner,
Madurai Corporation,
Madurai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide alternative site of the petitioner as per the direction of the Honbe Supreme court in Special leave petition (Civil) Diary No. 11872/2025 dated 25.07.2025 and by considering the representation of the petitioner dated 31.07.2025.

For Petitioner	: Mr.S.Ramsundarvijayraj
For R1 to R4	: Mr.S.S.Madhavan Additional Government Pleader
For R5	: Mr.V.R.Shanmuganathan Standing Counsel
For R6	: Mr.B.Ashok



W.P(MD)No.22038 of 202

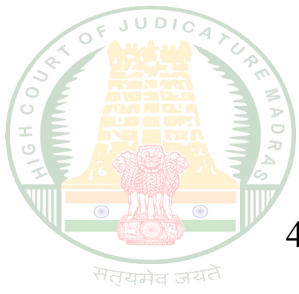
ORDER

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This writ petition has been filed for a writ of Mandamus to direct the respondents to provide alternative site of the petitioner as per the direction of the Hon'ble Supreme court in Special leave petition (Civil) Diary No. 11872/2025 dated 25.07.2025 and by considering the representation of the petitioner dated 31.07.2025.

2. There is a long history to the eviction proceedings, which have ultimately culminated in the physical eviction of the petitioner today (11.08.2025). Earlier, in a Public Interest Litigation filed in W.P(MD)No.1451 of 2011, an order came to be passed on 24.10.2016, whereby the respondents herein were directed to remove all encroachments from the fifth respondent Temple Tank.

3. It appears that subsequently, an order was also passed by the third respondent under Section 80 of the Act on 12.11.2016. Aggrieved by the same, some of the petitioners had filed a revision under Section 21 of the Act before the Commissioner, which was dismissed on 27.11.2017. Thereafter, a review under Section 114 of the Act was filed before the first respondent which was also dismissed on 16.03.2024.

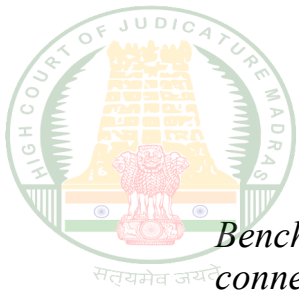


4. During the interregnum, an order came to be passed in W.P(MD)Nos.23561 of 2017 etc., batch from evicting the petitioners therein by removing stall of the respective petitioners therein. It is in this background, the appeal was filed under Section 21 of the Act. Thereafter, an order was passed on 02.08.2024 in W.P.Nos.17961 of 2024 etc., batch. The relevant portion of the order reads as under:

3. This Court by an order dated 01.07.2024 directed the petitioners herein and other leaseholders to file an affidavit of undertaking to the effect that they would vacate the premises on or before 16.07.2024. If they do not vacate the premises on or before 16.07.2024 then on 18.07.2024, the officials are at liberty to proceed for demolishing the structure of the shops surrounding the Theppakulam, if any violation is done by the shop keepers that will be viewed seriously and appropriate orders will be passed. The HR&CE officials have also stated that only on the intervention of this Court, they are withdrawing the machineries from that place of eviction against the petitioners and they will proceed on 18.07.2024 morning as per the schedule.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioners submitted that appeals have been preferred before the Hon'ble First Bench as against the common order of this Court dated 01.07.2024 and the Hon'ble First Bench disposed of the Appeals by a Common Judgment dated 02.08.2024 by giving certain directions and granted time till 31.03.2025 to the persons [numbering 6] who have filed an undertaking affidavit for vacating premises and for rest of the persons, [numbering 23] the writ appeals were adjourned to 05.08.2024.

5. In the light of the fact that the Hon'ble First Bench of this Court has already seized of the matter and these petitions falls under writ appeals, numbering 23, this Court is not inclined to entertain the prayer sought for in this Writ Petitions to issue any further direction. Accordingly, these Writ Petitions are dismissed as infructuous. It is open to the parties to canvass the rights before the Hon'ble First



W.P(MD)No.22038 of 202

Bench in the pending Writ Appeals. No costs. Consequently, connected miscellaneous petitions are closed.

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5. In the meanwhile, a further writ appeal was filed before the Division Bench of this Court in W.A.Nos.2269 of 2024 etc., batch, which came to be disposed of on 05.08.2024 with the following observations:

4. Today, affidavits of undertaking have been filed by the appellants praying for one year time to vacate the premises in question and deliver vacant possession of the land to the respondent authorities.

5. After a studied scrutiny of the overall conspectus of the matter, more particularly on considering the fact that the appellants are licensees under the fifth respondent temple for several years, and in the light of the affidavits of undertaking filed by the appellants, we issue the following directions:

i. The appellants are granted time till 31.3.2025 to vacate the premises and handover the possession of the land to the respondents;

ii. The said latitude is granted on the basis of the specific undertaking given by the appellants that no application shall be filed by the appellants seeking grant of further time to vacate the premises;

iii. If the appellants do not vacate and handover the premises on or before 31.3.2025, the respondents can proceed further and take possession of the premises, without any further notice; and

iv. The appellants are directed to pay the license fee for the period from August, 2024 to December, 2024, within a period of two weeks from the date of receipt of a copy of this order. The license fee for the period from January, 2025 to March, 2025 shall be paid on or before 15.1.2025. In case of default, the respondents are at liberty to take further action for evicting the appellants without any further notice.



W.P(MD)No.22038 of 202

WEB COPY

These writ appeals are disposed of with the aforesaid directions. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

6. This order was challenged before the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.11872 of 2025, which was disposed of at the time of condonation of delay in filing the special leave petition by an order dated 25.07.2025, wherein, the Hon'ble Supreme Court ordered as follows:

4. We have reached the conclusion that no error not to speak any error of law could be said to have been committed by the High Court in passing the impugned order.

5. At this stage, Mr. S.Nagamuthu, the learned counsel appearing for the petitioner made a fervent appeal that the respondents may consider offering his client any alternative site so that they can earn their livelihood.

6. Mr. V. Prabhakar, the learned counsel appearing for the respondents submitted that in fact an alternative site was offered to the petitioner but the same was declined by them..

7. Be that as it may, it shall be open for the petitioner to request the respondents to consider their plea for providing them with an alternative site. The respondents may consider such request purely on humanitarian grounds keeping in mind that there are 100 families and are earning their livelihood by carrying on petty business in the shops in question.

8. As we are disposing of the Special Leave Petition, we direct the petitioner to vacate the premises so that the shops can be demolished for the purpose of maintaining aesthetic.

9. Pending applications, if any, also stand disposed of



W.P(MD)No.22038 of 202

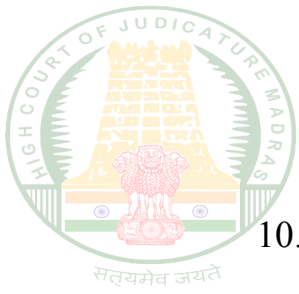
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7. Thus, it is evident that the petitioner has been squatting over the temple property of the fifth respondent atleast from 2011 if not before after there was a direction by the Court in W.P(MD)No.1451 of 2011 vide order dated 24.10.2016.

8. The order of the Hon'ble Supreme Court, the content of which is extracted above indicates that there are two directions to.

- (i) Hand over the possession to the fifth respondent
- (ii) Request of the petitioner for an alternate site.

9. The case of the petitioner is that, even before the petitioner's request was entertained and disposed of, today, all the shops were removed, thereby putting the petitioner on the street without any livelihood. The order referred supra itself indicates that the respondents were directed to consider the request of the respective petitioners on humanity ground, keeping in mind that there are more than 100 families were earning their livelihood by carrying on petty business in the shops in question.

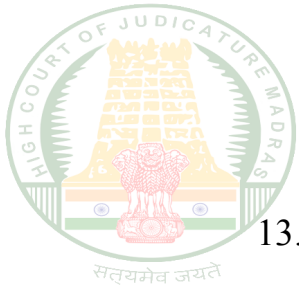


W.P(MD)No.22038 of 202

10. It is noticed that there were about 186 encroachments (87 on the southern side of the fifth respondent temple and 99 on the rest of the three sides)

11. The learned counsel for the fifth respondent submits that all encroachments on the southern side were removed much earlier and in the other three sides, 13 shops were removed earlier and 86 were pending for litigation before the Hon'ble Supreme Court. Pursuant to the order of the Hon'ble Supreme Court dated 25.07.2025, the encroachments were removed today.

12. However, the Paragraph No.8 of the order dated 25.07.2025, clearly states that the petitioner were to be evicted so that the shops can be demolished for maintaining aesthetic. Therefore, the steps taken by the respondents for evicting the petitioner cannot be questioned. At the same time, the request of the petitioner for alternative site pursuant to the petitioner's representation dated 31.07.2025 in terms of the order of the Hon'ble Supreme Court dated 25.07.2025 deserves attention.



W.P(MD)No.22038 of 202

13. It is noticed that the petitioner had earlier given an undertaking before the Division Bench of this Court on 10.08.2024 that the premises will be vacated by 31.03.2025 which stands recorded in the order of the Division Bench of this Court in W.A.Nos.2269 of 2024 etc., batch vide order dated 05.08.2025.

14. Under these circumstances, the writ petition is disposed of by directing the fifth respondent to consider the request of the petitioner for alternative site. The third respondent may also consider the petitioner's request for rehabilitating the respective petitioners in any other space of any other temple, subject to these petitioner paying fair rent.

15. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

11.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P(MD)No.22038 of 202

WEB **To** COPY

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Govt, of Tamil Nadu,
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- 2.The Commissioner,
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W.P(MD)No.22038 of 202

C.SARAVANAN, J.

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W.P(MD).No.22038 of 2025

11.08.2025