



W.P.(MD)No.23841 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.11.2025

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.23841 of 2025

Mathiyalagan

... Petitioner

/Vs./

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Thennampettai, Chennai.

2. The Joint Commissioner,
Religious and Charitable Endowment Department,
Nilgris Thoppu,
Thiruvanaikoil, Trichy.

3.The Executive Officer,
Arulmigu Thirunuruganathar Thirukovil,
Poovalur Village,
Lalgudi Taluk,
Trichy.

4. Kailasam

5. Duraisamy

6. Karuppaiah

7. Elavalagan

1/7



W.P.(MD)No.23841 of 2025

8. Vairavel

9. Raja

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents No. 1 to 3 herein to remove the encroachment made in S.F.Nos. 104/1, 104/2, 104/3A, 104/3B, 104/3C, 181/8, 181/9, Venkatachalapuram Village, Lalgudi Taluk, Trichy and S.F.Nos. 31/4, in Alangudi Majara, Lalgudi Taluk, Trichy District by considering the representation of the petitioner dated 04.01.2025 within a time stipulated by this Court.

For Petitioner : Ms.J.Madhu

For Respondents : Mr.J.Ashok,
Additional Government Pleader
for R1 and R2

Mr.Mugilan
for Mr.Raguvaran Gopalan
for R5, R6, R7 and R9

ORDER

(Order of the Court was made by **Dr.ANITA SUMANTH, J.**)

The petitioner, who claims to be an agriculturist and former President of Venkatachalapuram Village also claims to be a Trustee of the Arulmigu Akasa Karuppusamy Temple in Lalgudi Taluk, Trichy District.



W.P.(MD)No.23841 of 2025

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2. The writ petition has been instituted in public interest praying for removal of encroachments in S.F.Nos.104/1, 104/2, 104/3A, 104/3B, 104/3C, 181/8, 181/9 in Venkatachalapuram Village, Lalgudi Taluk, Trichy District and S.F.No.31/4, Alangudi Majara, Lalgudi Taluk, Trichy District.

3. We have heard Ms.J.Madhu, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the authorities in the Hindu Religious and Charitable Endowments Department / R1 & R2 and Mr.Mugilan, learned counsel for Mr.Raguvaran Gopalan, learned counsel for R5, R6, R7 and R9.

4. Service on R4 may be taken as complete as he has refused to accept the tapal. Service incomplete qua R8.

5. In the status report filed by R3, they state as follows:

The writ petitioner herein prayed that there is encroachment in properties in respect of two temples namely 1) A/m Ekambareswarar Temple, Venkatachalapuram and 2) A/m Akasa Karuppu samy temple, Venkatachalapuram.

A/m Ekambareswarar Temple, Venkatachalapuram

2. It is submitted that in so far as, A/m Ekambareswarar Temple, Venkatachalapuram the Property situated at Alangudi Revenue Village S.F, No. 31/4 belong to the said temple and when it is brought to the knowledge of this



W.P.(MD)No.23841 of 2025

respondent, proceedings were initiated to evict the encroacher under section 78 of Hindu Religious and Endowment Act and it is now pending before the Joint Commissioner, HR&CE Department, Trichy in M.P. No. 81/2025.

3. It is further submitted that as far as the lands situated in S.F.Nos. 238/4, 238/5, 238/6, T.Kallikudi village, Lalgudi Taluk are concerned they are in the name of private parties even as per 1927 records. After perusing the earlier records in respect of the above said properties, If it is found as temple property, necessary steps will be taken to change patta in the name of temple and eviction proceedings will also be initiated as against the encroachers, who are in the occupation. The writ petitioner who is acting as Chairman, Board of Trustees for the suit temple not at all co-operating with this respondent to administer the temple in a peaceful and effective manner, unnecessarily creating problem. Hence it is prayed that he may be suitably directed to co-operate with this respondent to retrieve and safeguard the temple lands by giving records if any he has for speedy action.

4. It is submitted that Arulmigu Akasa Karuppusamy Thirukkivil situated at Venkatachalapuram Village, is a non-listed temple. This temple is being administered by a Non-Hereditary Trustee appointed by the Assistant Commissioner, HR&CE Department, Trichy namely B.Kailasam, S/o. Boomi. The above-mentioned Non-Hereditary Trustee is unwell and has been admitted in a hospital and undergoing treatment. Therefore, as Inspector, HR&CE Department, hereby submit the following details to this Court. The temple is built in S.F.No. 104/1, 104/2 and there is also a vaykkal (channel/water course) in that survey numbers.

5. It is submitted that as far as the properties situated at Venkatajalapuram Revenue Village in S.F. No. 104/3A, 104/3B, 104/3C, 181/6 181/7 181/8 181/9, 181/10 stands



WEB COPY



W.P.(MD)No.23841 of 2025

in the name of Arulmigu Agasa Karuppusamy Thirukkovil, Venkatachalapuram, Lalgudi Taluk, Trichy District.

6. It is submitted that the properties situated in Survey No. 104/3A, 104/3B, 104/3C were inspected and surveyed on 11.09.2025 and the list of encroachers are prepared and eviction petition are to be filed against 60 persons before the Joint Commissioner, HR&CE Department, Trichy, under section 78 of T.N HR & CE Act 1959. As far as the remaining properties survey has to be conducted and encroachments details to be collected. There after necessary action will be taken to evict the encroachers.

6. Hence, the authorities have confirmed the position that encroachments have been identified and that action under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act) has been taken in respect of those encroachments.

7. We direct those actions to be taken expeditiously and in accordance with law, and be concluded within twelve (12) weeks from today.

8. As far as removing encroachments in respect of which patta stands in the names of individuals, action is stated to be on-going to convey those properties to the name of the temple.

9. Needless to say, such action will also be taken expeditiously and with proper follow-up. Let the needful be done within a period of

5/7



W.P.(MD)No.23841 of 2025

twelve (12) weeks from today to obtain re-conveyance of the properties to the name of the temple in accordance with law and action under Section 78 of the Act be initiated thereafter and concluded expeditiously.

10. This writ petition is closed in light of this order. No costs.

[A.S.M.J.] & [C.K.J.]
19.11.2025

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

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Thennampettai,
Chennai.

2. The Joint Commissioner,
Religious and Charitable Endowment Department,
Nilgris Thoppu,
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3.The Executive Officer,
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6/7



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W.P.(MD)No.23841 of 2025

Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
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Dated:
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