



W.P.(MD)No.27477 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.08.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.27477 of 2024

and

W.M.P(MD)No.23301 of 2024

Sri Arulmighu Gurunathasamy Temple,
Represented by,
Non Hereditary Trustee,
R. Periya Karuppan,
S/o. Rama Thevar,
Kallanai village,
Kallikudi Taluk,
Madurai District.

... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Madurai.
3. The Tahsildar,
Kallikudi Taluk,
Madurai District.

... Respondents



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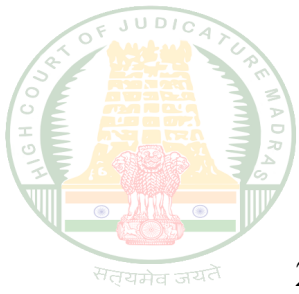
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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents and its officials, men or any one claiming through them from any manner demolishing/removing the iron fencing laid in respect of the petitioner temple or in any manner interfering with the peaceful possession and enjoyment of the petitioner property namely Arulmighu Gurunathasamy temple comprised in S.No. 66/7, situated at Kallanai Village, Kallikudi Taluk, Madurai District in accordance with law by considering the petitioner's representation dated 27.09.2024 .

For Petitioner	: Mr.P.Mahendran
For R1 to R3	: Mrs.S.Jeya Priya Government Advocate

ORDER

The writ petition is filed seeking issuance of writ of mandamus forbearing the official respondents claiming through them from any way demolishing or removing the iron fencing laid in the property in possession of the temple in S.No. 66/7, situated at Kallanai Village, Kallikudi Taluk, Madurai District by considering his representation dated 27.09.2024.



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2. Heard the learned counsel appearing for the petitioner and Mrs.S.Jeya Priya, learned Government Advocate appearing for the respondents 1 to 3.

3. It is the case of the petitioner that property measuring 0.22.0 hectares of land in S.No.66/7 is classified as Sarkar Poramboke/temple in the revenue records and the said property has been surveyed by the official respondents and the same was demarcated by putting up a fencing around the property. Thereafter, due to the pressure exerted by the neighbors who wanted to use the temple property as a pathway, the respondents attempted to remove the iron fencing put up by them. Therefore, the petitioner submitted a representation requesting them not to remove the iron fencing filed this petition with the above mentioned prayer.

4. The learned counsel for the petitioner by relying on the Judgment of this Court in the case of S.Sridhar and Others vs. The State of Tamil Nadu and Others, reported in (2020) 8 MLJ 438 would submit when the name of the temple is entered in column 13 of the revenue records, the same shall not be used for any other purpose. Apart from the purpose which is beneficial to the temple.

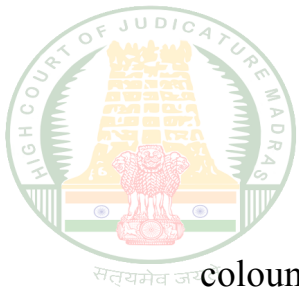


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5. The learned counsel appearing for the 4th respondent would submit that the persons living near the temple are utilizing the subject land as an access to have ingress and egress. Therefore, the iron fencing put up in the subject land shall be removed. He also submit that the subject land has been utilized as an access for several years by the neighbors of the temple.

6. A perusal of the village re-survey and re-settlement register produced by the petitioner would indicate the subject land with S.No.66/7 is classified as a government poramboke land. In column 13, it is clearly mentioned as government pormaboke land. The Village A Register produced in the typed set of papers by the private respondents would clearly establish the property is described as government poramboke with an entry temple in column 12. Therefore, it is clear the temple had effective control over the subject property for several years and in the revenue records the temple name is reflected. The village Adangal extract produced by the petitioner would also indicate the name of the petitioner temple was Gurunadhasamy Temple and the same is mentioned in



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coloumn 18 and 18A of the Adangal Account. Therefore, there is no difficulty in coming to the conclusion the subject property has been in the effective control of the temple for several years.

7. The official respondents rightly surveyed the property and had put up a hand fencing so as to prevent any kind of encroachment on the property under the control of the temple. Now, the private respondents claims easementary right over the subject property. If the private respondents claims right over the subject property either by necessity or presumption, it is for them to workout their remedy before the Civil Court. Therefore, the alleged easementary right of the private respondents cannot be the subject matter of the writ petition. Therefore, the 5th respondent is directed to consider the representation of the petitioner dated 27.09.2024 in the light of the Revenue Standing Order (RSO) 2613 and take a final decision on the representation after affording a reasonable opportunity to the petitioner and the 4th respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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S.SOUNTHAR, J.

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