



W.A(MD)No.1590 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1590 of 2025
and
C.M.P(MD)No.8967 of 2025**

Beer Mohamed

... Appellant /
8th Respondent

Vs.

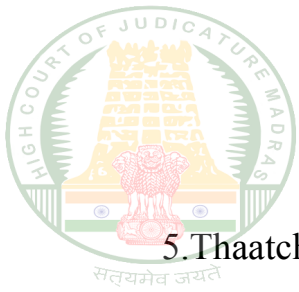
1.Arulmigu Veera Maakaliamman Thirukovil,
Represented by its
Executive Officer,
Athaloor, Peravurani Taluk,
Thanjavur District.

... 1st Respondent /
Petitioner

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
Peravurani Taluk,
Thanjavur.

4.The Inspector of Police,
Peravurani Police Station,
Peravurani Taluk,
Thanjavur.



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5. Thaatchayini

6. Muthuvel

7. Kalaiyarasi

8. Veeramuthu

9. The District Revenue Officer,
Thanjavur District.

***(R.9 is suo motu impleaded vide
order of this Court dated 23.03.2022)***

... Respondents 2 to 9 /
Respondents 1 to 7 & 9

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 23.03.2022 passed by the learned single Judge in W.P(MD)No.5128 of 2022 on the file of this Court and allow this writ appeal.

For Appellant : Mr.S.A.Syed Alaudeen

For Respondents : Dr.Ramesh Mahadev for R.1

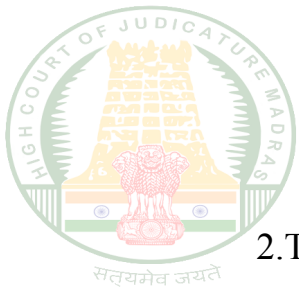
Mr.A.Kannan
Additional Government Pleader
for R.2 & R.3

Mr.M.Sakthikumar
Government Advocate for R.4

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.



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2.This Writ Appeal is directed against the order dated 23.03.2022 made

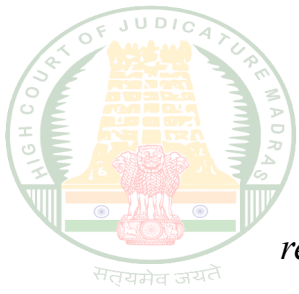
in W.P(MD)No.5128 of 2022 filed by the first respondent temple. The case of

the writ petitioner temple is that the appellant herein and few others had unauthorisedly put up constructions in the temple land. The temple therefore filed the Writ Petition to call upon the authorities to see to it that unauthorised construction is not put up. The learned single Judge vide order dated 23.03.2022 disposed of the Writ Petition in the following terms:

“5.Since the proceedings have already been initiated, no prejudice would be caused to the District Revenue Officer, Thanjavur District, who is enquiring in the matter, if the representation/complaint of the petitioner referred to supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the private respondents as well as any other necessary party, whom the District Revenue Officer, Thanjavur District, deems fit to enquire.

6.Since the District Revenue Officer, Thanjavur District, is enquiring into the matter, the District Revenue Officer, Thanjavur District, is suo-motu impleaded as ninth respondent in this writ petition.

7.Accordingly, this Court directs the ninth respondent to pass final orders on the petitioner's representation/complaint dated 16.03.2022, on merits and in accordance with law, after affording a fair hearing to the petitioner, the private



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respondents as well as any other necessary party, whom the ninth respondent deems fit to enquire. within a period of three [3] months from the date of receipt of a copy of this order.

8.In case, in the final order to be passed, the ninth respondent comes to the conclusion that the private respondents herein have encroached upon the petitioner's lands, he shall initiate action for demolition of the unauthorized construction and also for convicting the encroachers by following the procedure established under law.”

3.We are of the view that the District Revenue Officer, Thanjavur may not have any jurisdiction in the matter. It is only the authorities under the HR&CE Act who will have to take the call. We permit the petitioner herein to file an appropriate petition before the competent authority under the HR&CE Act. As and when such a petition is filed, HR&CE authority shall immediately take it on file, issue notices to the concerned parties and take a call.

4.We are really satisfied that the land in question belongs to the temple. It is open to the HR&CE authorities to regularise the occupation of the appellant as well as the others and also ensure that the temple gets its due revenue by way of fair rent. The entire exercise shall be completed within a period of five months from the date of receipt of a copy of this order. We make



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it clear that we have not given our seal of approval to the unauthorised action committed by the appellant herein.

5.This Writ Appeal is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
27.06.2025

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

Note: Registry is directed to mark a copy of this order to the Joint Commissioner, HR&CE, Thanjavur.

To

- 1.The Executive Officer,
Arulmigu Veera Maakaliamman Thirukovil,
Athaloor, Peravurani Taluk,
Thanjavur District.
- 2.The District Collector,
Thanjavur District,
Thanjavur.
- 3.The Tahsildar,
Peravurani Taluk,
Thanjavur.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

4.The Inspector of Police,
Peravurani Police Station,
Peravurani Taluk,
Thanjavur.

5.The District Revenue Officer,
Thanjavur District.

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