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W.P.(MD)NO.32323 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.32323 of 2025

K.S.Chandrasekar

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Kanyakumari.

2. The Revenue Divisional Officer,
Padmanabapuram,
Kanyakumari District.

3. The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

4. The Inspector of Police,
Pudhukadai police station,
Pudukadai,
Kanyakumari District.
(R-4 is *suo motu* impleaded vide order dated 13.11.2025.)

5. G.Wilson(former Secretary Oothukuzhi CSI Church),
S/o.Ganamani,
3/346, Main Road, Sivanthipuram,
Vikramasingapuram-627 425,
Ambasamudram Taluk,
Tirunelveli District.
(R-5 is impleaded vide order dated 25.11.2025
in W.M.P.(MD)No.26195 of 2025)



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6. J.Silvan S/o.K.Jebamani,
Secretary, CSI Church, Oottukuzhi,
Thenkaipattinam Post,
Kanyakumari District.

(R-6 is impleaded vide order dated 25.11.2025
in W.M.P.(MD)No.27055 of 2025)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to restore the Mayiladum Paarai Murugan temple in survey No.218/1 situated in Paingulam Village, Killiyoor Taluk, Kanyakumari District to its original position forthwith by considering the representation of the petitioner dated 28.10.2025.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.R.Ragavendran,
Government Advocate for R1 to R-3.

Mr.A.Albert James,
Government Advocate for R-4.

Mr.K.K.Maheshraja for R-5.

Mr.S.C.Herold Singh for R-6.

* * *

ORDER

Heard both sides.

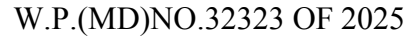


2.The writ petitioner is a resident of Paingulam Village in Killiyoor Taluk, Kanyakumari District. The case of the petitioner is that Murugan statue has been in existence on a hill located in the village for several decades. The petitioner would go to the extent of claiming that it is in existence for more than 100 years. The statue was forcibly taken away by the revenue officials on 24.09.2025. Seeking reinstallation of the statue, this writ petition has been filed.

3. The impleading petitions have been allowed.

4.There is a church located in the vicinity. Mr.Wilson, the fifth respondent herein is the former Secretary of Oothukuzhi CSI Church. Temoval of Lord Murugan statue had taken place on the basis of the complaint given by Mr.Wilson on 18.08.2025.

5.I wanted to know on what basis, the removal of the statue by the revenue authorities took place. The learned Government Advocate produced a copy of the communication dated 16.09.2025 issued by the District Collector, Kanyakumari District. The direction issued by the District Collector reads as follows:-



<https://www.mhc.tn.gov.in/judis>



தொடர்பாக அரசுக்கு அறிக்கை அனுப்பிடவும் மாவட்ட ஆட்சியரால் அறிவினுத்தப்பட்டது.

3. அரசு புறம்போக்கு நிலத்தில் சிவையுடன் சலுகை பீடம் அமைத்தது.

கிள்ளியூர் வட்டம், பைங்குளம் கிராமம், உதற்குழியில் அமைந்துள்ள சி.எஸ்.ஐ ஆலயம் பைங்குளம் கிராமம், சர்வே எண் 233/7-ல் அமைந்துள்ளது. ஆலய சொத்தின் முன்பு கிழக்கு பக்கம் தொட்டு அருகில் அரசு புறம்போக்கு நிலம் தீர்வை ஏற்படாத தரிக் சர்வே எண். 210/1 ஆகும். அந்த பகுதியானது பாறைகள் நிறைந்த பகுதி. அந்த அரசு புறம்போக்கு நிலத்தில் திடீரென சுமார் ஒரு மாதத்திற்கு முன் சிவையுடன் சலுகை பீடம் புதியதாக அமைக்கப்பட்டுள்ளதாக கூட்டம் ஒழுங்கு பிரச்சனை தொடர்பாக புதுக்கடை காவல் நிலையத்தில் அளிக்கப்பட்டுள்ள புகாரின் அடிப்படையில் ஒரு வார காலத்திற்குள் அரசு புறம்போக்கு நிலத்தில் புதியதாக அமைக்கப்பட்டுள்ள கட்டுமானங்களை அதற்குரிய பணியை நினைக்கு சொண்டுவர புதுக்கடை காவல் ஆய்வாளர் மற்றும் கிள்ளியூர் வட்டாட்சியருக்கு அறிவினுத்தப்பட்டது.

ஓம்/- ஆர்.அழகர்நா,
மாவட்ட ஆட்சித்தலைவர்,
கன்னியாகுமரி மாவட்டம்

// உண்மை நகல் / உத்தரவுப்படி //

மாவட்ட ஆட்சியருக்காக
16/7/25

பெறநர் :

சம்மந்தப்பட்ட அலுவலர்கள்



6.I have to take a serious view of the action taken by the authorities. The District Collector, Kanyakumari District could not have issued such direction without putting the interested parties on notice. The hill in question according to the writ petitioner, is known as Mayiladum Paarai. Mr.Wilson who is present in person states that the hill does not have any such name. However, the encumbrance certificate as well as the documents filed before this Court clearly refer the hill as “Mayiladum Paarai”. Mr.Wilson would state that the word HMS inscribed on the hill refers to “Sudhesa Missionary Sangam “HMS” affiliated to Kanyakumari CSI Diocese. In support of this claim, he produced a copy of the pamphlet dated 21.11.1980 and inscription dated 29.05.1988. HMS according to him is Home Missionary Society. On the other hand, the petitioner has produced a copy of the Certificate of Registration of Societies indicating that a society in the name of “Kanyakumari District Hindu Mission Society” (HMS) was registered on 26.10.1979 (Serial No.27 of 1979). Whether HMS refers to Hindu Mission Society or Home Missionary Society is a matter of controversy. Unless enquiry is held, it cannot be decided either way.



7.It is also seen that a complaint was lodged way back in 1981 that the statue of Murugan had been unlawfully removed. That gave rise to the registration of FIR (Crime No.9 of 1981 on the file of the Pudhukadai Police Station). In fact, the jurisdictional police also confirm this. Complaints were received from Hindus as well as Christians. It was Mr.Wilson who was the complainant even then. Thus, the materials on record show that the two communities are at loggerheads. The District Collector ought not to have acted with alacrity on the complaint lodged by one party and directed removal of the statue. This is highly illegal and a clear violation of the principles of natural justice. On this sole ground, the direction issued by the District Collector is quashed. The status quo ante has to be restored. I direct the official respondents not to interfere with the reinstallation of the statue at the place where it was originally there. The petitioner and others can very well carry on with consecration ceremonies. However, no further construction shall be put. This order does not give any further right to the petitioner and his fellow community members. I am satisfied that there was a Murugan Statue on Mayiladum Parai and it shall be reinstalled. Even roofing cannot be put.



8.It is not in dispute that the hill in question is a Government poramboke and none of the parties can claim any right over the same. The parties are at liberty to seek adjudication of the the matter as per law.

9.This writ petition stands allowed. No costs.

26.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU/SKM

Note : Issue order copy on 05.12.2025

To:

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Revenue Divisional Officer,
Padmanabapuram, Kanyakumari District.
3. The Tahsildar, Killiyoor Taluk,
Kanyakumari District.
4. The Inspector of Police,
Pudhukadai police station,
Pudukadai, Kanyakumari District.



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G.R.SWAMINATHAN,J.

PMU

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