



W.P(MD)No.33042 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.33042 of 2025

and

W.M.P(MD)Nos.26037 & 26038 of 2025

Rajkumar

... Petitioner

Vs.

The Assistant Commissioner /
Executive Officer,
Arulmigu Naganathasamy Thirukkivil,
Thirunageswaram,
Kumbakonam Taluk,
Thanjavur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned public auction - tender notice dated nil issued by the respondent with regard to public auctioning on 18.11.2025 at 12 p.m in respect of the superstructure (shops) constructed by the petitioner in property comprised in S.No.195/1 of an extent of 1902 sq feet situated at Sivan SannadiStreet, Thirunageswaram, Kumbakonam Taluk, Thanjavur District and quash the same as illegal and unconstitutional.



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For Petitioner : Mr.B.Jameelarasu
For Respondent : Mr.V.Chandrasekar
Standing Counsel

ORDER

Heard both sides.

2.The petitioner was in possession of the land that belongs to the respondent temple. The temple initiated steps under Section 78 of the Act to evict the petitioner. Eviction was ordered on 05.06.2018 by the Joint Commissioner, HR&CE Department, Madurai. Aggrieved by the same, the petitioner filed R.P.No.61 of 2025 before the Commissioner of HR&CE Department. In this writ petition, the petitioner challenges the impugned tender notice for letting out the property in question.

3.The case of the petitioner is that he had put up a superstructure. However, no declaration has been obtained in favour of the writ petitioner in this regard. Therefore, I am not in a position to concede the petitioner's request. That apart, R.P.No.61 of 2025 filed by the writ



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petitioner was dismissed on 03.11.1014 by the Commissioner. Copy of the dismissal order has been produced before me by the learned Standing Counsel for the respondent temple.

4.However, considering the special facts and circumstances of this case, the petitioner is permitted to remove the asbestos roofing and the solar panel, if they are available. The petitioner will have to give a formal request letter to the respondent. If the aforesaid 2 items are available, under the supervision of the respondent, the men engaged with the petitioner may dismantle and remove the same.

5.This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

18.11.2025

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

Note: Issue order copy on 20.11.2025.



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G.R.SWAMINATHAN, J.

MGA

To

The Assistant Commissioner /
Executive Officer,
Arulmigu Naganathasamy Thirukkivil,
Thirunageswaram,
Kumbakonam Taluk,
Thanjavur District.

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