



WEB COPY



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W.P.(MD)NO.34493 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 28.11.2025

PRONOUNCED ON : 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.34493 of 2025 AND

W.M.P.(MD)No.27280 of 2025

Shanthi

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
High Court, Chennai – 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruppur.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Karur District, Karur.

4. The Executive Officer,
Arulmigu Balasubramaniya Swamy Temple,
Vennaiyalai,
Karur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, to call for records



relating to the impugned order of the second respondent in Miscellaneous Petition No.411/2024 dated 29.01.2025 at survey No.239/3A, Kathapparai Village, Manmangalam Taluk, Karur District and quash the same.

For Petitioner : Mr.S.A.Ajin Singh

For Respondents : Mr.P.Subbaraj,
Special Government Pleader
for R-1 to R-3.

Mr.P.Athimoolapandian for R-4.

* * *

ORDER

Heard both sides.

2. The writ petitioner is in possession and enjoyment of the petition-mentioned property measuring 5 cents. She traces her title by virtue of a registered sale deed dated 26.12.2003. She was also issued with joint patta. While so, the eviction proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 was initiated against her. An adverse order came to be passed on 29.01.2025 by the second respondent. Without formally challenging the same, the petitioner filed W.P.(MD)No.5432



of 2025. The writ petition was disposed of on 27.02.2025 by granting liberty to the writ petitioner to approach the civil Court under Section 79(2) of the Act. The writ petitioner ought to have approached the civil Court by filing statutory suit within six months. She failed to do so.

3. In fact, the learned counsel appearing for the writ petitioner wanted me to grant her extension of time. I cannot grant the said relief. When the statute prescribes the limitation period and that too for filing a civil suit, it is not open to the writ Court to extend the same. It is also not possible for the writ Court go to into the merits of the matter. Even when the writ petitioner filed W.P. (MD)No.5432 of 2025, she knew that she had been served with a copy of the order impugned in this writ petition. Therefore, having failed to challenge the impugned order in the first instance, this second round of litigation may not even be maintainable. At the same time, the equities obtaining in favour of the petitioner cannot be lost sight of. As already mentioned, she claims right on the strength of a registered sale deed and the revenue record is in her favour. It appears that the superstructure was put up by the petitioner herein.



4. In these circumstances, in the interest of justice, I direct the respondents to not to enforce the eviction order for a period of three months from today. At best, they may take symbolic possession. The petitioner shall not be physically dispossessed. It is open to the writ petitioner to apply to the temple management to recognize her as a tenant on payment of ground rent so that she can continue to reside in the petition-mentioned property. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2025

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



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To:

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Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
High Court, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
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3. The Assistant Commissioner,
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G.R.SWAMINATHAN,J.

PMU

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16.12.2025