



W.P.(MD) Nos.34781 & 12463 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)Nos.34781 & 12463 of 2025
and W.M.P.(MD)Nos.27483, 27486, 28578,
9081 & 9082 of 2025

The President,
Hindu Mutt and Hindu Properties
Protection Association,
S.Jothilingam Raj,
S/o. V.Singararajan,
5/7E, Lakshmi Bhawan,
Santharamkuzhi, Marthandam Post,
Kanyakumari District.

... Petitioner in
W.P.(MD)No.34781/2025

Munchirai Mutt,
Represented by its Administrative Officer,
Munchirai Village,
Killiyur Taluk,
Kanyakumari District.

... Petitioner in
W.P.(MD)No.12463/2025

Vs

1. The Commissioner,
HR and CE Department,
Chennai.



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2. The District Collector,
Kanyakumari District at Nagercoil
3. The District Revenue Officer,
Kanyakumari District at Nagercoil
4. The Joint Commissioner,
HR and CE Department,
Tirunelveli District.
5. The Sub Collector,
Padmanabapuram,
Kanyakumari District.
6. The Assistant Commissioner,
HR and CE Department, Nagercoil.
7. The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.
8. The Executive Officer,
Arulmigu Kanni Vinayagar Temple
and Thokuppu Temple,
South Car Street, H.R and C.E. Department,
Vadiveeswaram, Nagercoil,
Kanyakumari District.

... Respondents in
W.P.(MD)No.34781/2025

1. The District Collector,
Kanniyakumari District,
At Nagercoil.
2. The District Revenue Officer,
Kanniyakumari District.
3. The Sub Collector, Padmanabhapuram,
Kanniyakumari District.



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4. The Tahsildhar,
Killiyur Taluk,
Kanniyakumari District.

... Respondents in
W.P.(MD)No.12463/2025

Prayer in W.P.(MD)No.34781/2025: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to impugned order passed by 3rd respondent vide his proceedings Letter No.M4/5220/2024 dated 27.03.2025 quash the same as illegal and consequently restraining the respondents 2, 3 and 6 and their subordinates from collecting land tax or issuing further pattas for encroachers in respect of Mutt properties at Kanyakumari District, Killiyoor Taluk, Munchirai Village in Re.Sy.Nos. 297/3 to 312/13 and Arudesam Village in Re.Sys.No.116/3 to 449/14.

Prayer in W.P.(MD)No.12463/2025: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in M4/ 5220/2024 dated 27.03.2025 issued by the 2nd respondent and quash the same and consequently forbear the respondents from demanding or collecting tax in any form for the lands in S.Nos. 116/3 to 449/14 in Arudesam Village, Killiyoor Taluk, Kanyakumari District, belonging to Munchirai Mutt and also directing the respondents 2 to 4 to restore the revenue records for the said lands to the name of the said Mutt.



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For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R7
Mr.V.R.Shanmuganathan for R8

W.P.(MD)No.12463/2025

For Petitioner : Mr.V.R.Shanmuganathan
For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader

COMMON ORDER

These Writ Petitions are filed challenging the impugned order dated 27.03.2025 passed by the District Revenue Officer, Kanyakumari District, wherein a direction was given to collect land tax again from the patta holders.

2. According to the petitioners, the subject lands are the properties of Munchirai Mutt. However, some private individuals have obtained patta in respect of the Mutt properties. Hence, the petitioners gave several representations to take necessary action and to cancel the



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patta granted to the private individuals. However, till date, no steps were taken to cancel the patta granted in favour of the private individuals. In the meantime, the District Revenue Officer, Kanyakumari District through the impugned order, directed to collect tax from the patta holders. Challenging the same, the petitioners have filed these Writ Petitions.

3. The learned counsel appearing for the petitioners would submit that the subject properties belonged to the Mutt. However, the Tahsildar, Killiyoor Taluk, Kanyakumari District without any consent from either Mutt or HR&CE Department, issued patta in favour of several individuals. The learned counsel appearing for the petitioners further submit that the properties dedicate for public and religious purpose cannot be alienated for private gain and there is no legal provision to collect tax from encroachers or unauthorized occupants of temple or mutt properties. Therefore, the impugned order passed by the District Revenue Officer, Kanyakumari District is liable to be dismissed.

4. The learned Special Government Pleader appearing for the respondents would submit that since the subject lands are temple



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properties, Administrative Officer of the Munchirai Mutt, made a request to the 5th respondent to cancel the patta issued in the name of the private individuals. Based on the said request, the Sub-Collector, Padmanabapuram has already initiated proceedings to cancel the patta issued in the name of the private individuals. Therefore, if the patta is cancelled, all the occupants have been considered as encroachers and thereafter, necessary action would be taken to remove the said encroachers.

5. At this stage, the learned counsel appearing for the petitioners would submit that time frame may be fixed for cancellation of patta proceedings, since already three months have been lapsed.

6. Considering the facts and circumstances of the case, this Court is of the view that already patta has been granted to the thousands of people and now the Sub Collector, Padmanabapuram, Kanyakumari District has initiated proceedings to cancel the patta issued to the said private individuals. Therefore, the Sub Collector, Padmanabapuram, Kanyakumari District is directed to complete the entire cancellation of the patta proceedings within a period of six months from the date of



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receipt of a copy of this order. It is needless to say, thereafter, the HR & CE Department shall take necessary actions to recover the property in terms of the Provisions of Sections 78 and 80 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

7. With the above directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

17.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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To

1. The Commissioner,
HR and CE Department,
Chennai.
2. The District Collector,
Kanyakumari District at Nagercoil
3. The District Revenue Officer,
Kanyakumari District at Nagercoil



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4. The Joint Commissioner,
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