



WP.(MD)No.35075 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.12.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.35075 of 2025

and

WMP.(MD)Nos.27769 & 27772 of 2025

Kanagasabapathy

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.
- 4.The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapani Swami Thirukovil,
Palani, Dindigul District.
- 5.The Revenue Divisional Officer,
Dindigul, Dindigul District.



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6.The Tashildar,
Dindigul West Taluk Office,
Dindigul, Dindigul District.

7.The Inspector of Police,
Reddiarchathiram Police Station,
Reddiarchathiram,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in D.Dis.R.P.Ns.280/2024 D2 dated 20.11.2025 and quash the same as illegal and arbitrary and consequently direct the respondents 2 to 7 herein not to interfere with the petitioner's peaceful possession and enjoyment of the property in Survey No.598/1B1 to an extent of 60 cents situated at Kothapuli Village, Dindigul West Taluk, Dindigul District.

For Petitioner : Mr.S.Karthik

For R1 to R3, R5 & R6 : Mr.K.Balasubramani,
Special Government Pleader.

For R4 : Mr.R.Murali

For R7 : Mr.A.Albert James,
Government Advocate(Crl.side)



ORDER

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The petitioner has filed this writ petition as against the order of the first respondent dated 20.11.2025, in and by which, the revision petition filed by the petitioner was dismissed.

2.The petitioner is a resident of Kothapuli village, Dindigul District. According to him, he has purchased the subject land from one Perumalsamy Naicker, put up construction and residing in the said place for more than 60 years. However, HR&CE Department has initiated proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act and the Joint Commissioner, HR & CE Department has passed an order dated 06.07.2023 directing the eviction of this petitioner. Challenging the same, the petitioner has filed a revision petition before the Commissioner of HR & CE Department and the Commissioner, by the impugned order dated 20.11.2025 rejected the revision. Aggrieved by that, the petitioner has filed the present petition.

3.Heard the learned counsel appearing for the respective parties in detail and perused the materials placed on record.



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4. Though the learned counsel for the petitioner tried to canvass certain points, , this Court is not inclined to entertain this writ petition for more than one reason. It appears that the suit in O.S.No.96 of 1985 filed by the Temple to evict the encroachers, including the petitioner's predecessors, came to be decreed as prayed for as early as on 20.06.1989. Thereafter, execution proceedings were initiated and simultaneously, the HR & CE Department has also initiated proceedings under Section 78 of the HR & CE Act. After several litigations, the Commissioner has passed the order impugned rejecting the revision petition.

5. It is to be noted that in WP.(MD)No.15436 of 2025 dated 10.06.2025 the petitioner citing the wedding of his daughter, has sought time till 30.09.2025. When this Court about to dismiss this writ petition, as an alternative, the learned counsel for the petitioner submitted that the petitioner may be treated as a tenant of the temple and that the petitioner is also prepared to pay the rent to the temple.



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6.Considering the fact that the petitioner was allowed to be in occupation of the temple land for more than 30 years and that he has also been allowed to put up a superstructure and using it as a residential house, the respondents shall permit the petitioner to continue as a tenant of the temple. The respondents shall not disturb the land in which the petitioner has put up some superstructure. Since the superstructure was put up by the petitioner, the respondents shall fix a reasonable rent for the land, in which the petitioner has put up the superstructure. It is open to the temple to utilize the other portion of the subject property only by way of an auction.

7.With the above observations, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

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