



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 3045 of 2026

and

WMP No.3446 of 2026

K.Mathankumar

Petitioner(s)

Vs

1. The District Collector,
Office of the Collectorate,
Ariyalur District.

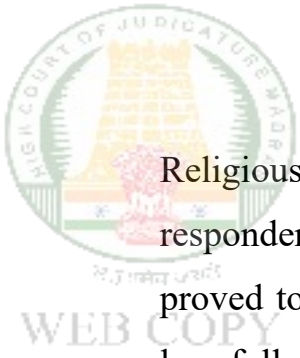
2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
No.228, 2nd Floor, Collectorate,
Ariyalur District.

3.The Inspector,
Hindu Religious and Charitable Endowments,
Jayankondam.

4.The Inspector of Police
Jayankondam Police Station,
Jayankondam, Ariyalur District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 2nd respondent to conduct necessary enquiry over the petitioners occupation in S.No 28/2 in Chinnavalayam Village, Udayarpalayam Taluk, Ariyalur District, measuring an extent of 22.50 ares in accordance to the provisions of the Tamil Nadu Hindu



Religious and Charitable Endowments Act, 1959, and further direct the respondents not to dispossess the petitioner until and unless the petitioner is proved to be an illegal occupant as per the procedures contemplated under the law, following the principles of natural justice and pass.

For Petitioner(s): Mr.B.Balavijayan

For Respondent: Mr.S.Senthil Murugan
Special Government Pleader for
R1
Mr.K.Karthikayan
Government Advocate (HR &
CE) for R2 and R3
Mr.J.Subbiah
Government Advocate (Crl.Side)
for R4

ORDER

Mr.S.Senthil Murugan, learned Special Government Pleader, takes notice for 1st respondent, Mr.K.Karthikayan, learned Government Advocate (HR & CE), takes notice for 2nd and 3rd respondents and Mr.J.Subbiah, learned Government Advocate (Crl.Side), takes notice for 4th respondent.

2. This Writ Petition is being disposed of at the stage of admission itself with the consent of the learned counsel for the petitioner and the learned counsel for the respondents.

3. This writ petition is filed, directing the respondents to conduct



necessary enquiry over the petitioner's occupation in S.No 28/2 of Chinnavalayam Village, Udayarpalayam Taluk, Ariyalur District, measuring an extent of 22.50 ares in accordance with the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

4. Upon hearing the learned counsel for the petitioner and perusing the affidavit and other materials, records on case, the case of the petitioner is that the property in question was purchased by the grandfather of the petitioner by a registered Sale Deed vide document No.2326/1964, and they are in possession and enjoyment of the property. There exists a compound wall, certain persons inimical to the petitioner along with the HR & CE authorities, came to the site and attempted to unauthorisedely demolish the compound wall. As a matter of fact, a part of the compound wall was demolished by them high-handedly. Therefore, the petitioner is before this Court.

5. Per contra, the learned Government Advocate appearing for the respondents 2 and 3 submits that, a perusal of A-Register categorically shows that S.No.28/2 belongs to the Arulmighu Mariamman Temple, Chinnavalayam, and any sale deed or documents will not be binding on the temple at all.

6. I have considered the rival submissions made by the learned counsel



on either side and perused the material, records on case.

WEB COPY 7. If the property belongs to the temple, the temple can take such action.

But it is not as if the petitioner is entering the property over-night. When the petitioner is in possession of the property, that too, pursuant to the sale deed, it is just and necessary that the respondent/temple and authorities shall initiate appropriate eviction proceedings as per the provisions contained under Sections 78 and 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. As and when such notice is issued, as enabled under the Act, it will be open for the petitioner to contest the eviction proceedings before the authorities or to move the Civil Court, if he wants to set up title against the temple. In the absence thereof, the Authority can pass eviction order and thereafter the compound wall can be demolished and the possession can be taken. However, the authorities cannot take possession except by due process of law.

8. In view thereof, this Writ Petition is disposed of on the following terms:

(i) If the temple and the authorities claim that the property belongs to the temple, it is open for them to initiate proceedings for eviction of the petitioner in the manner known to law and it is also open to the petitioner to contest the same in the manner known to law.

(ii) In the meanwhile, no steps except by due process of law



can be taken to dispossess the petitioner.

(iii) No costs. Consequently, connected Miscellaneous Petition is closed.

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29-01-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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