



WEB COPY

WP No. 4913 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 4913 of 2026

and

W.M.P.No.5485 of 2026

P.Jegan

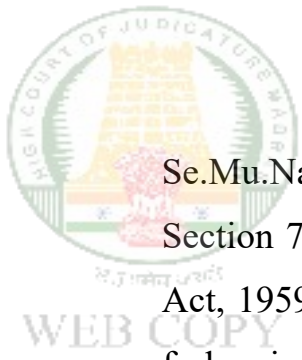
..Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department (HR & CE)
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department (HR & CE),
Cuddalore - 607 001.
3. The Executive Officer,
Arulmigu Alanduraiyar Gothandaramasamy
Temple, Ariyalur.
4. The District Collector,
Ariyalur District.
5. The Revenue Divisional Officer,
Ariyalur
6. The Tahsildar,
Ariyalur Taluk.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in



Se.Mu.Na.Ka.2291/2021/A4/dated 21.11.2025 in M.P.No.79/2021 under Section 78(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, quash the same as illegal and without jurisdiction and consequently forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the subject property.

For Petitioner: Mr.Usha Ramman

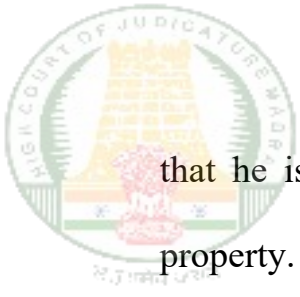
For Respondents: Mr.N.R.R.Arun Natarajan
Special Government Pleader for R1 to R3

Mr.S.Senthil Murugan
Special Government Pleader for R4 to R6

ORDER

The writ petition is filed challenging the impugned order dated 21.11.2025 made in M.P. No. 79 of 2021.

2. Upon hearing the learned counsel for the petitioner and perusing the material records, the grievance of the petitioner is that he disputes the title of the temple. The petitioner has already filed a suit for declaration and consequential permanent injunction in O.S. No. 259 of 2023 on the file of the Principal Subordinate Court, Ariyalur. It is further stated that the trial in the suit has commenced, the plaintiff's side evidence is over and the defendant's side evidence is in progress. Under the said circumstances, the order has been passed and steps are being taken to evict the petitioner. It is the case of the petitioner



that he is the purchaser of the property and that his vendor had title to the property.

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3. Per contra, the learned Special Government Pleader appearing for the respondents 1 to 3 submits that there is no interim injunction in the suit restraining the authorities from proceeding under Sections 78 and 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Due notice has been issued to the petitioner in the proceedings. In the proceedings, the petitioner has also given a statement that though he purchased the property without knowing that it belonged to the temple, he subsequently came to know that it is temple property and therefore the order has been rightly passed.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. When the petitioner is setting up a rival title, he has rightly approached the Civil Court. He ought to have obtained an interim order in his favour. The power under Article 226 of the Constitution of India cannot be utilised merely to get an interim order, pending the suit. There are two remedies available to the petitioner, he can move an interlocutory application in the suit for interim injunction in his favour or file a revision before the Commissioner and get an interim order against the eviction order. Since it is represented that the trial in



the suit is already proceeded and it is in the defendant's evidence stage in the Civil Court, filing an injunction application at this stage would unnecessarily prolong the proceedings and would not be in the interests of the petitioner or the temple.

6. In view thereof, the issue can be resolved by directing the Civil Court to dispose of the suit as expeditiously as possible and let further coercive steps pursuant to the impugned order shall be taken only after the result in the civil suit.

7. Accordingly, this writ petition is *disposed of* on the following terms:

(i) The learned Principal Subordinate judge is requested to dispose of O.S.No.259 of 2023 as expeditiously as possible, in any event not later than four months from the date of receipt of a web copy of this order.

(ii) In the meanwhile, until the Civil Court decides the suit, the impugned order dated 21.11.2025 shall not be implemented.

(iii) It is made clear that this order will not apply to the appellate proceedings. Unless the parties have interim orders in the first appeal, the benefit of this order cannot be taken advantage of. Till the disposal of the suit,



the petitioner shall neither alter the features of the suit property nor alienate the same.

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(iv) Consequently, connected miscellaneous petition is closed. No costs.

18-02-2026

Neutral Citation: Yes/No

NSL

To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department (HR & CE)
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department (HR & CE),
Cuddalore - 607 001.

3 The Executive Officer,
Arulmigu Alanduraiyar Gothandaramasamy Temple, Ariyalur.

4. The District Collector,
Ariyalur District.

5. The Revenue Divisional Officer,
Ariyalur

6. The Tahsildar,
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D.BHARATHA CHAKRAVARTHY, J.

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