



WEB COPY

WP No. 8507 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04-03-2026**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 8507 of 2026**

M.Shaik Masthan

Petitioner

Vs

1. The Executive Officer  
A/m Sundareswarar Swami Thirukoil,  
Kovur, Kundrathur Circle,  
Kancheepuram District.

2.The Assistant Commissioner  
H.R and C.E. Kancheepuram,  
Opposite to the Collector's Office,  
Kancheepuram-631 501.

3.The Joint Commissioner  
H.R and C.E. Kancheepuram.

4.The Commissioner  
H.R and C.E. No.119,  
Uthamar Gandhi Salai,  
Nungambakkam Chennai.

5.M.Aasan Ali

Respondents

**PRAYER** This Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to forthwith conduct inspection of the scheduled Temple Property, initiate eviction proceedings against the unauthorized occupant / 5th respondent under Section 78 of the HR and CE Act, and implement and enforce the orders dated 05.07.2025 passed by the 3rd respondent and 24.12.2025 passed by the 2nd respondent.

For Petitioner(s): Ms.Hemaa S  
For Respondent: Mr.S.Ravichandran, AGP  
HR & CE

**ORDER**

This petition has been filed seeking a direction to the 1<sup>st</sup> respondent to forthwith conduct inspection of the scheduled Temple Property, initiate eviction proceedings against the unauthorized occupant / 5th respondent under Section 78 of the HR and CE Act, and implement and enforce the orders dated 05.07.2025 passed by the 3rd respondent and 24.12.2025 passed by the 2nd respondent.

2. It is the case of the petitioner that the subject matter of the present writ petition relates to the property bearing Door No.39, Bunder Street, Chennai (hereinafter referred to as the scheduled property) which originally belongs to Arulmigu Sundareswarar Temple, North Mada Street, Kovur Village, Chennai. The property was leased to the petitioner's late father, who ran a stationery business there. After his father's death in 1995, the business and tenancy rights devolved jointly upon all legal heirs. However, one legal heir, Aasan Ali, is alleged to be in exclusive and unauthorized occupation of the property without the consent of the other heirs and without a valid lease to date. Information obtained through the Right to Information Act revealed that a lease was granted to him in 2007 for three years, which has since expired with no lawful renewal. The petitioner contends that such occupation is illegal under the HR & CE Act as no proper sanction or public notification was issued thereafter in accordance with law. The temple's hereditary trustee is said to have failed in his statutory



duty to protect temple property and evict the unauthorized occupant. Despite legal notices and multiple representations to the concerned authorities, including the joint commissioner and Assistant Commissioner, no effective action has been taken. The temple's hereditary trustee is said to have failed in his statutory duty to protect temple property and evict the unauthorized occupant. Despite legal notices and multiple representations to the concerned authorities, including the joint commissioner and Assistant Commissioner, no effect action has been taken. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider and pass orders on the petitioners representation within the stipulated time as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that already action has been taken and order dated 05.07.2025 passed by the 3<sup>rd</sup> respondent will be implemented within the stipulated time as fixed by this Court.

5. Heard the learned counsel for both side and perused the materials available on record. Since no adverse order is passed against the 5<sup>th</sup> respondent, notice to the 5<sup>th</sup> respondent is dispensed with.



6. In view of the consent view expressed by the learned Additional Government Pleader, this court directs the first respondent to implement the order passed by the third respondent within a period of four weeks from the date of receipt of a copy of this order, if there is no legal impediment.

7. With the above directions, the writ petition is disposed of. No costs.

**04-03-2026**

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Thirukoil, Kovur, Kundrathur Circle,  
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**M.DHANDAPANI J.**

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