



W.P.No.9496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9496 of 2024

Malathi

... Petitioner

Vs.

- 1 THE SECRETARY
GOVERNMENT OF TAMIL NADU
HR & CE DEPARTMENT & TOURISM,
FORT ST.GEORGE,
CHENNAI 600 005.
- 2 THE COMMISSIONER
HR & CE DEPARTMENT,
NUNGAMBAKKAM,
CHENNAI 600 034.
- 3 THE JOINT COMMISSIONER,
HR & CE DEPARTMENT,
CUDDALORE,
CUDDALORE DISTRICT.
- 4 THE ASSISTANT COMMISSIONER,
HR & CE DEPARTMENT,
ARIYALUR,
ARIYALUR DISTRICT.
- 5 THE EXECUTIVE OFFICER,
ARULMIGHU PRAGADEESWARAR TEMPLE,
GANGAIKONDACOLAPURAM
ARIYALUR,
ARIYALUR DISTRICT.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fifth respondent herein not to trespass in the land in S.No.75/3 of Gangaikondacolapuram Village which is now in possession of the petitioner.

For Petitioner : Mr.P.Sampath Kumar
For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the fifth respondent not to trespass in the land in S.No.75/3 of Gangaikondacolapuram Village which is now in possession of the petitioner.

2.The learned counsel appearing for the petitioner submitted that the petitioner's father rendered service to the fifth respondent Temple as Thavil Vidhuvan for more than 50 years and recognizing the same, he was given land to an extent of 80 cents in Survey No.75/3 and after his demise in the year 2022, the officials of the fifth respondent interfere with the property. The learned counsel further



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submitted that recognizing the service of the petitioner's father, the Executive Officer issued letter of appreciation dated 24.01.2002 to him.

3.The learned Government Advocate appearing for the respondents submitted that there is no proof available with regard to the assignment of land in favour of the petitioner's father by the fifth respondent and further submitted that it is disputed question of fact which cannot be decided under Article 226 of the Constitution of India and it can be decided only before the competent civil Court.

4.The petitioner claim that recognizing the service rendered by the petitioner's father to the fifth respondent Temple, he was given land to an extent of 80 cents in Survey No.75/3, however, there is no proof available with regard to the assignment of land in favour of the petitioner's father by the fifth respondent. It is disputed question of fact which cannot be decided under Article 226 of the Constitution of India and it can be decided only before the competent civil Court.

5.The writ petition is disposed of with liberty to the petitioner



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to approach the competent civil Court for appropriate remedy. No costs.

09.03.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1 THE SECRETARY
GOVERNMENT OF TAMIL NADU
HR & CE DEPARTMENT & TOURISM,
FORT ST.GEORGE,
CHENNAI 600 005.
- 2 THE COMMISSIONER
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