



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MRS.JUSTICE N. MALA**

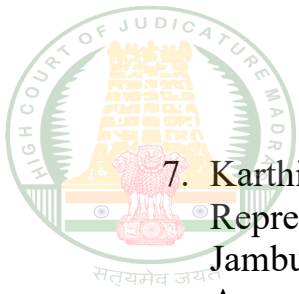
Writ Petition No. 21453 of 2026

Krishnamoorthy

..Petitioner

Vs

1. The Revenue Divisional Officer (RDO)
Cheyyar Division,
Tiruvannamalai District.
2. The Tahsildar
Cheyyar Taluk,
Tiruvannamalai District.
3. The Commissioner
Hindu Religious and Charitable Endowments
Department (HR and CE)
Nungambakkam, Chennai-600 034.
4. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department,
Tiruvannamalai District.
5. The Block Development Officer (BDO)
Cheyyar Block,
Tiruvannamalai District.
6. The Inspector of Police
Cheyyar Taluk police Station,
Tiruvannamalai District.



7. Karthikeyan
Representative / Person-in-charge,
Jambukeswarar Temple,
Arasangkuppam, Vengalathur,
Tiruvannamalai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the unauthorized construction and encroachment made by the respondents 7 to 11 in the Kulam Poramboke land comprised in Survey No.75/2, Naval Village, Cheyyar Taluk, Tiruvannamalai District, remove the illegal temple extension and compound wall, restore the Kulam Karai pathway for free ingress and egress to the petitioner's land in Survey Nos.82/2 and 82/4 and consequently direct the respondents to initiate action under the Tamil Nadu Land Encroachment Act, 1905, based on the representation dated on 13.04.2026.

For Petitioner: Mr.G.Palani Kumar

For Respondents: Mr.B.Sivakollapan
Government Advocate For R1, R2 & R5
Mr.Veerabathran Prasanth.M
Standing Counsel (HR & CE) For R3 and R4

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

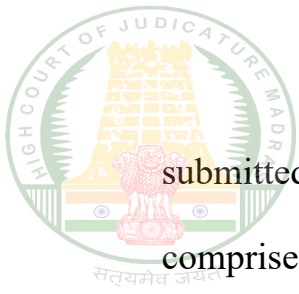
The writ petitioner, claiming to be the owner of land adjacent to Survey No.75/2, Naval Village, Tiruvannamalai District, has approached this Court alleging that the 7th respondent, representing the Jambukeswarar Temple, is renovating the temple tank and proposes to construct a compound wall, thereby obstructing a common pathway used by the villagers.



2. According to the petitioner, the Jambukeshwar temple is situated near water tank (kulam). Under the guise of renovating the tank, the office-bearers of the temple are allegedly extending the temple structure illegally and arbitrarily, encroaching upon the Kulam Poramboke land and constructing a compound wall, thereby completely blocking the pathway.

3. The learned counsel appearing for the Hindu Religious and Charitable Endowments (HR & CE) Department submitted that Survey No.75/2 comprises the Kulam, whereas Survey No.76 belongs to the temple. The HR & CE Department has undertaken renovation works in respect of both the tank and temple. In order to protect the temple property, a compound wall is proposed to be constructed. The petitioner and other villagers have access to their lands through alternative routes and have no right to trespass upon the temple property.

4. The learned counsel appearing for the petitioner submitted that the bund of the tank has been used as a pathway by the villagers for a long period and the construction of a compound wall on the temple land would completely obstruct access from the tank bund to the petitioner's land. The aerial map of the location and the photographs of the tank enclosed in the typed set of papers clearly show that the tank and the adjoining lands are open to sky. He further

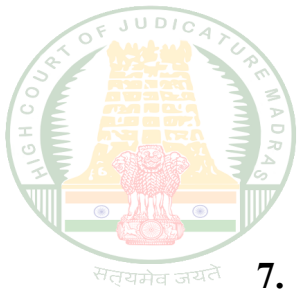


submitted that the temple land comprised in Survey No.76 and the public tank comprised in Survey No.75/2 are distinct and separate properties.

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5. The report of the HR & CE Department clearly indicates that the villagers, who were previously using the temple land as a pathway, are now using an alternate public pathway to access their lands, except for the writ petitioner, who continues to claim a right of passage through the temple property.

6. On considering the averments made in the affidavit, the photographs enclosed in the typed set of papers and the report of the Inspector, HR & CE Department, Cheyyar, this Court finds that the allegations of the writ petitioner that the temple authorities have encroached upon the Kulam Poramboke land comprised in Survey No.75/2 at Naval village is factually incorrect. The ingress and egress of the petitioner's land in Survey Nos.82/2 and 82/4 are not through the Survey No.76, though he had been using the said land as a pathway in the past. The temple land remained unprotected since, no steps had earlier been taken to prevent such use. However, now that steps are being taken to protect the temple property, the petitioner has become aggrieved and has filed the present writ petition in an attempt to continue such unauthorized use.



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7. Accordingly, this Writ Petition is dismissed. It is made clear that the right of the temple to protect and safeguard its land comprised in Survey No.76 cannot be faulted. No costs.

(Dr.G.J.,J.) (N.M.,J.)
09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

rpl

To

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WP No. 21453 of 2



DR.G.JAYACHANDRAN J.
and
N.MALA J.

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