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Cont.P.No.2151 o 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-02-2026**

CORAM

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**Cont.P.No.2151 of 2025**

**in**

**W.P.No.13756 of 2025**

Mrs.Amul,  
Wife of Mr.Ganesan,  
No.4/2, MGR Street,  
Annai Satya Nagar,  
Red Hills Road, Kolathur,  
Chennai 600 099.

.. Petitioner

Vs

1.J.Mullai,  
The Joint Commissioner,  
Hindu Religious Charitable Endowments Department,  
No.119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai 600 050.

2.K.Sivakumar,  
The Assistant Commissioner,  
Hindu Religious Charitable Endowments Department,  
No.119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai 600 050.

3.Ganesh Kumar,  
The Executive Officer,  
Arulmigu Somanathaswamy Temple,  
Sannith Street, Kolathur,  
Chennai 600 099.

.. Respondents

**PRAYER**

Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, to pass an order punishing the respondent for not complying with this Hon'ble Court's order dated 17.04.2025 passed in W.P.No.13756 of 2025 in accordance with law.

For Petitioner :Mr.C.Umashankar

For Respondents Mr.N.R.R.Arun Natarajan,  
Spl.G.P.(HR & CE)

**ORDER**

The contempt petition is filed for not complying with the order dated 17.04.2025 passed in W.P.No.13756 of 2025.

2. Upon hearing Mr.C.Uma Shankar, learned counsel for the petitioner and perusing the affidavit filed in support of the contempt petition, the grievance of the petitioner was that when the petitioner, her sister and the other family members were in occupation of the larger extent of the property, suddenly, without following the due process of law, the possession was sought to be taken and therefore, the writ petitions were filed.

3. This Court recorded the submissions of the learned Special Government Pleader in paragraph No.5 of the order dated 17.04.2025 and



passed the order in paragraph 6 and 7. The entire paragraph Nos.5 to 7 are extracted hereunder for ready reference.

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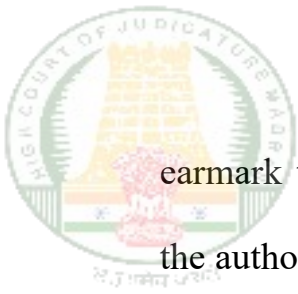
“5.The learned Special Government Pleader would submit that when the authorities approached the petitioners they themselves have voluntarily written to the authorities on 07.04.2025 agreeing to vacate on or before 10.04.2025. Be that as it may, a perusal of the said letter, it is a composite one. While agreeing to vacate they are also praying that an alternative accommodation in the housing board be relocated to them. That it is not a matter of right for the petitioner. If only there is any scheme and there is availability, depending on the eligibility of the petitioners the Government will consider. However, in order to vacate the petitioners, who are there in the temple property, the respondents have to follow the procedure that is mandated under law. They have to issue a show cause notice under Section 78 of the Tamil Nadu Housing Religious and Charitable Endowments Act, 1959 and the petitioner shall make such objections whatsoever and thereafter, final orders can be passed and only by following the said procedure the petitioners shall be vacated.

6.The learned Special Government Pleader pleads that there is urgency in the matter.

7.It can be seen that only a minor portions were occupied by the petitioners and the entire project need not be stalled, the project can proceed and in the meanwhile, the steps can be taken in the manner known to law. The submission made by the learned counsel for the petitioner that several other encroachments have been removed is also recorded.”



4. The notices issued to the petitioner for eviction was also placed on record. Under the said circumstances, it was complained on behalf of the petitioner that the house was demolished, despite the undertaking given before the Court that they will follow the due process of law. Thereafter, protracted hearings were conducted in the contempt petition and this Court appointed an Advocate Commissioner to conduct a physical inspection of the site and to file a report. A detailed report was also filed by the Advocate Commissioner. It can be seen that the demolition exercise was undertaken and some of the thatched sheds were already brought down while one thatched roof in a dilapidated condition remained. The contention of the Department is that, the said thatched roof only belongs to the petitioner and the Commissioner also found that the same remained unoccupied at the time of inspection. It is the contention of the petitioner that the said extent belongs to her other sister, by name, Annapoorani. In that contentious factual background, the contempt petition was adjourned on several occasions to identify the extent in which the petitioner is in occupation and against which the eviction proceedings were initiated. The respondent authorities have repeatedly insisted that the portion in question which is said to belong to Annapoorani is one of the petitioner. It must be seen that Annapoorani also filed a writ petition in W.P.No.13748 of 2025 and the petitioner, Amul filed writ petition in W.P.No.13756 of 2025 and both were disposed of by a common order. Therefore, even before the Commissioner, the authorities were directed to



earmark the portion. Instead of pursuing contempt proceedings and punishing the authorities, the petitioner can be permitted to reside in the portion identified.

The amicable efforts carried out on several occasions, did not fructify into any result. Thereafter, the petitioner also submitted that she will move for leasing out a portion of the land; however, this also did not result in any agreement between the parties.

5. Under the said circumstances, while making the eviction drive, it can be seen that the thatched structure belonging to the petitioner had also been brought down. Though wilful disobedience can be pleaded, still the benefit of the order that is passed has given back to the petitioner and the petitioner has to be put back into possession of the portion, in which she has rightly been in occupation.

6. The petitioner, today, has furnished a map by earmarking the various portion with their respective names. This Court is not in agreement with the various names, that are mentioned therein, however in respect of the place which the petitioner claims as her own, she will be permitted to put up a thatched structure of 20x15 and she can reside in the said structure until the eviction proceedings are concluded against her. The extent is roughly marked by this Court in the photograph itself as Court marking within the white boundaries and the same is annexed as annexure-I to this order.



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7. Accordingly, this contempt petition is disposed of.

**23-02-2026**

Neutral Citation: Yes/No  
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To  
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**D.BHARATHA CHAKRAVARTHY, J.**

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