



WEB COPY



W.P.No.21181 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21181 of 2024

And

W.M.P.No.23131 of 2024

- 1.Muniyappa
- 2.Mariyappa
- 3.Ramesh
- 4.Gowramma
- 5.Venkatesh
- 6.Lingamma
- 7.M.Sonnappa

... Petitioners

Vs.

- 1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT BOARD
NUNGAMBAKKAM HIGH ROAD,
NUNGAMBAKKAM,
CHENNAI – 600 034.
- 2 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
KRISHNAGIRI DISTRICT.
- 3 SRI NANJUNDESHAWAR THIRUKOVIL
REP BY ITS ARANGKAVALAR,
SUDAPURAM, BAGALUR,
HOSUR,
KRISHNAGIRI DISTRICT.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorari to call for the records of the respondents to quash the impugned eviction notice issued by the third respondent dated 28.06.2024.

For Petitioners : Mr.Sivakumar Rajappan
For Respondents : Mr.S.Ravichandran
Additional Government Pleader

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the respondents to quash the eviction notice issued by the third respondent dated 28.06.2024.

2.The case of the petitioners is that the property situated in S.No.36/2 at Sudapuram Village, Hosur Taluk, Krishnagiri District was purchased by the ancestors of the petitioners from one Samaiya Dhikshaluin in the year 1933 vide Document No.629 of 1933 dated 09.03.1933. The petitioners have constructed the house building and paid kist in the years 2015 – 2016, 2016 – 2017 and also obtained electricity service connection and the respondents did not raise any objection regarding the possession of the property, however, without giving any prior notice to the petitioner and without providing any



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opportunity to the petitioners, the impugned notice was issued by the third respondent.

3.Though the matter is listed under the caption 'for dismissal' today, the learned counsel appearing for the petitioners is not ready to argue the case and seeks adjournment.

4.The learned Additional Government Pleader submitted that similarly situated persons filed W.P.No.21767 of 2024 and this Court vide order dated 09.08.2024 dismissed the said writ petition.

5.Similar issue has already been considered by this Court in W.P.No.21767 of 2024 dated 09.08.2024, the relevant portion of which is extracted hereunder:

"4.The learned Special Government Pleader appearing for the respondents produced a copy of the communication dated 30.07.2024 of the Inspector, Hosur, Krishnagiri District attached to the Hindu Religious and Charitable Endowment Department, Hosur.

5.In the said communication, among



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other things it was stated that insofar as the land in S.No.36/1 measuring an extent of 1.40.00 hectares is concerned, there is a small house constructed by one Kavi Kuttappa and the said house according to the respondents is an encroachment and therefore, the encroacher was called upon to remove the encroachment through notice dated 28.06.2024. Subsequently, on 09.08.2024 at about 11:00 am, the land in S.No.36/1 was measured and surveyed with the help of the Revenue Department. According to the petitioners, as per the revenue records, the land in S.No.36/1 is classified as "Temple lands". Therefore, the learned Special Government Pleader submits that the petitioners cannot claim any right, title or interest over the subject property. Accordingly, he prayed for dismissal of the writ petition.

6.On a perusal of the impugned notice, it is evident that three lands are sought to be auctioned through public auction, As far as the other two survey numbers are concerned, the petitioners have no qualm or quarrel. The petitioners only claim that they are the owners of the land in S.No.36/1. On the one hand, the learned Special Government



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Pleader based on instructions, submitted that the land is classified as temple land in Revenue records and one the other hand, the second petitioner claims to have purchased the land through a registered sale deed dated 03.12.1987. The petitioners also placed reliance on the subsequent partition deed dated 06.08.2004 and contended that they are the owners of the said land.

7.In the present writ petition filed under Article 226 of the Constitution of India, this Court cannot go into the dispute with regard to the title, when the revenue records clearly indicate that the land in S.No.36/1 is classified as "Temple land". It is not known as to how the petitioners could make the claim over such land. Eventhough, the petitioners claim to have purchased the land in S.No.36/1 through a registered sale deed, it requires to be examined only by the competent civil Court. Therefore, this Court declines to go into the dispute with regard to the title of the land in S.No.36/1. Even otherwise, the respondents conducted a field inspection and found that there was a small house constructed in a portion of the land in S.No.36/1 by one Kavi Kuttappa. Therefore, the respondents have



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also served notice for removal of encroachment to the occupier Mr.Kavi Kuttappa.

8.Given the above circumstances, this Court is not inclined to interfere with the auction notice issued by the fourth respondent. It is always open to the petitioners to work out the remedy and clear the area of controversy, surrounding the land in S.No.36/1 by filing appropriate civil suit for declaration.

9.Subject to the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed."

6.Since similar issue has already been considered by this Court in W.P.No.21767 of 2024 and the said writ petition has been dismissed on 09.08.2024, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

13.03.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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