



WEB COPY

WP No. 21954 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 21954 of 2026

and

WMP.No.23805 of 2026

The Executive Officer
Arulmigu Varadarajaperumal Temple,
Velipalayam,
Nagapattinam-611 001

..Petitioner(s)

Vs

1. The District Collector
Nagapattinam District,
Nagapattinam.
2. The Municipal Commissioner
Nagapattinam Municipality,
Nagapattinam-611 001

..Respondent(s)

The Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned proceedings dated 22.05.2026 in Na.Ka.No.2054/2024/F1, quash the same.

For Petitioner(s): M/S. K.V.Babu

For Respondent(s): Mr.Psrinivas R2
Mr.Sivavarthanan Govt. Counsel R1



ORDER

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The writ petition has been filed seeking to quash the order passed by the second respondent dated 22.05.2026 stating that the petitioner temple is not the owner of the subject lands.

2. It is the case of the petitioner that the petitioner temple is the owner of the lands comprised in TS.No.1428, 1429, 1430, 1431 and 1432 in Ward No.4 Block No.34 Nagapattinam Town and District. The above said lands were let out to the Nagapattinam Municipality on lease in 1868 for a period of 99 years. Even after expiry of lease period in the year 1968, the Nagapattinam Municipality continued to hold possession of the above said lands. In the year 1983, the temple authorities duly communicated the second respondent and have taken back the possession of the said lands. Even since then, the petitioner temple is in absolute possession and enjoyment of the property. The temple authorities have been collecting rents for the past 40 years from the tenants who are under occupation of the said lands. The tenants under occupation have filed a writ petition in WP.No.22420 of 2024 in which the Hon'ble High Court was pleased to pass an order on 01.04.2026, wherein a direction was given to the second respondent to conduct enquiry and to afford an opportunity to the parties, including the petitioner temple and to take a final decision in the manner known to law. Pursuant to the above order, the second respondent on



22.05.2026, passed the impugned order. Challenging the same, the present writ petition has been filed.

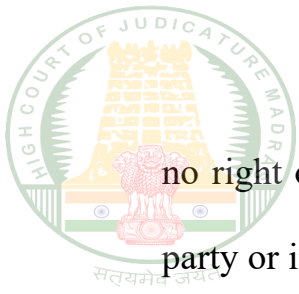
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3. The learned counsel for the petitioner submitted that during enquiry, the petitioner temple has sought time to produce documents. Without giving sufficient time, the second respondent has passed the present impugned order and rejecting the petitioner's claim. Hence, this Court may set aside the impugned order and allow the writ petition.

4. The learned Government Counsel appearing for the respondent submitted that the land is classified as Sarkar Poromboke/water body. After conducting enquiry, the second respondent has rightly passed the impugned order. Hence, the writ petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner as well as the learned Government Counsel appearing for the respondents and perused the materials available on record.

6. The lands comprised in TS.No.1428, 1429, 1430, 1431 and 1432 in Ward No.4 Block No.34 Nagapattinam Town and District are classified as "Sarkar Poromboke/Water body" in Revenue Records. The learned counsel for the respondent submits that water bodies are vested with the Government and



no right of ownership, possession or enjoyment can be claimed by any private party or institution in respect of such water bodies.

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7. In view of the categorical admission regarding the subject lands as water bodies, and following the law laid down by the Hon'ble Apex Court that water bodies cannot be assigned, leased or claimed by private parties, no relief can be granted to the petitioner temple insofar as these survey numbers are concerned.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12-06-2026

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

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To

1. The District Collector
Nagapattinam District,
Nagapattinam.
2. The Municipal Commissioner
Nagapattinam Municipality,
Nagapattinam-611 001



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M.DHANDAPANI, J.

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