



WEB COPY

WP No. 22420 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 22420 of 2024

and

WMP No. 24419 of 2024

1. Chitravelu
Proprietor Mahesh Xerox, T.S. No 1431 No
146/1, Public Office Road, Velippalayam,
Nagapattinam Town And Taluk,
Nagapattinam 611 001
2. S. Nataraja Nadar
S/o Mr. Sudalaimuthu Nadar T.S. No 1431no
170, 170/1 Public Office Road, Velippalayam,
Nagapattinam Town And Taluk,
Nagapattinam 611 001
3. Venkatesh Tailor
S/o V. Rajagopalan, T.S. No 1431 No 142,
Public Office Road, Velippalayam,
Nagapattinam Town And Taluk,
Nagapattinam 611 001
4. R.Ganesh
S/o Mr Ramachandran T.S. No 1431 No 174,
Public Office Road, Velippalayam,
Nagapattinam Town And Taluk,
Nagapattinam 611 001
5. Thaiyal Nayaki
W/o Mariyappan T.S. No 1431, No 571a/1404,
Public Office Road, Velippalayam,
Nagapattinam Town And Taluk,
Nagapattinam 611 001
6. S.Murugesan
S/o Sozhaialagu T.S. No 1431 No 148-31



Public Office Road, Velippalayam,
Nagapattinam Town And Taluk,
Nagapattinam 611 001

7. M.Singaravelu
S/o P. Muthaiyan T.S. No 1431, No 167, Public
Office Road, Velippalayam, Nagapattinam
Town And Taluk, Nagapattinam 611 001
8. V. Saraswathi
W/o Venkatachalam T.S. No 1431, No 50/1,
Public Office Road, Velippalayam,
Nagapattinam Town and Taluk,
Nagapattinam 611 001
9. P. Soundarrajan
S/o G.Pakirisamy T.S. No 1431 No 143/1,
Public Office Road, Velippalayam,
Nagapattinam Town And Taluk,
Nagapattinam 611 001
10. M. Jayaraman
S/o Muniyandi T.S. No 1431 No 154, Public
Office Road, Velippalayam,
Nagapattinam Town and Taluk,
Nagapattinam 611 001

..Petitioner(s)

Vs

1. The District Collector
Nagapattinam District, Nagapattinam.
2. The Commissioner
Hindu Religious And Charitable Endowments
Department (hr And Ce) Uthamar Gandhi
Road, Nungambakkam, Chennai 600 034
3. The Commissioner
Nagapattinam Corporation, Nagapattinam
4. The Executive Officer
Sri Varadharaja Perumal Temple
Velippalayam, Nagapattinam District 611 001
5. Arivazhagan



Pettai Road, Velippalayam Nagapattinam
Nagapattinam Taluk and District

..Respondent(s)

To call for the entire records of thee pertaining to the notice dated 04.07.2024 in Na.Ka.No 2884 / 2017 / F1 issued by the commissioner, Nagapattinam Corproation, Nagapattinam and to quash the same, consequently direct the respondents 1 to 3 to conduct proper enquiry about the title of the lands at Survey Nos 1430 and 1431, Velippalayam, Nagapattinam taluk and Town, Nagapattinam district within a stipulated time

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For Petitioner(s): Mr.C.Krishna Karthi

For Respondent(s): Mr.T.Arun kumar,
Addl.G.P. for R1 ,
Mr.N.R.R.Arun Natarajan,
Spl.G.P.(HR&CE) for R2 and R4 ,
Mr.T.K. Saravanan,
Addl.G.P. for R3
R5 – No appearance

Order

(Order of the Court was made by S.M.Subramaniam J.)

Notice dated 04.07.2024 for eviction of encroachment issued by the Commissioner, Nagapattinam Municipality, is under challenge in the present writ petition.

2. The learned Additional Government Pleader would submit that the property belongs to Municipality had been encroached upon by the petitioner. Therefore, enforcement actions are initiated. Instead of submitting an



explanation, the petitioner has filed the present writ petition which is not entertainable and it has to be rejected.

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3. The learned Special Government appearing for HR & CE Department would oppose by stating that the subject property belongs to 4th respondent temple, viz., Sri Varadharaja Perumal Temple, Velippalayam, Nagapattinam District. The petitioner is paying monthly rent to the Temple. Therefore, the temple authority is empowered to initiate action, in the event of any violation of the lease condition or the provisions of HR & CE Act and rules.

4. The learned counsel for the 3rd respondent would submit that the Commissioner, Nagapattinam Corporation, has initiated enforcement action after conducting inspection and survey. Encroachment actions are initiated in pursuance to the direction issued by the Court for removal of encroachments.

5. Be that as it may. This Court is of the considered view that on the one hand, the Corporation claims ownership and on the other hand, the 4th respondent temple claims title over the property. In view of the said position, the Commissioner Corporation, is directed to entertain the representations/ explanations if any, both from the petitioner as well as from the 4th respondent temple, verify their records, and take a final decision and thereafter, proceed with the enforcement action. The petitioner and the 4th respondent are at liberty to submit their respective explanation along with documents, if any,



within a period of three weeks from the date of receipt of a copy of this order.

Thereafter, the Commissioner Corporation shall conduct an enquiry, by affording opportunity to the parties and take a final decision and proceed with all further actions in the manner known to law.

6. With the above directions, the Writ Petition is disposed of No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
01-04-2026

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

VSI

To

1. The District Collector
Nagapattinam District, Nagapattinam.
2. The Commissioner
Hindu Religious And Charitable Endowments
Department (HR&CE) Uthamar Gandhi Road,
Nungambakkam Chennai 600 034
3. The Commissioner
Nagapattinam Corporation, Nagapattinam
4. The Executive Officer
Sri Varadharaja Perumal Temple
Velippalayam, Nagapattinam District 611 001



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

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