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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 28424 of 2025

Pooja,
D/o Srinivasan A.K 293/1, Reddiar Street,
Adiyankuppam Village, Vandavasi Taluk
Tiruvannamalai District,
Tamil Nadu 604 403

..Petitioner(s)

Vs

1. The District Collector, Tiruvannamalai,
Tiruvannamalai District
2. The Revenue Divisional Officer, Vandavasi
Taluk, Tiruvannamalai District
3. The Tashildar Vandavasi Taluk,
Tiruvannamalai District
4. The Village Administrative
Officer Adiyankuppam Village, Vandavasi
Taluk, Tiruvannamalai District
5. Shanthi W/o Narayanan, Adiyankuppam
Village, Vandavasi Taluk, Tiruvannamalai
District
6. S.Rajaselvi W/o Sivakumar Adiyankuppam
Village, Vandavasi Taluk, Tiruvannamalai
District
7. Dirai S/o Nondi Adiyankuppam Village,
Vandavasi Taluk, Tiruvannamalai District
8. Sivakumar S/o Ponnusamy, Adiyankuppam
Village, Vandavasi Taluk, Tiruvannamalai
District
9. The Commissioner, Tamil Nadu Hindu
Religious And Charitable Endowments
Department, No.119, Uthamar Gandhi Salai,
(previously Nungambakkam High Road),
Nungambakkam, Chennai - 600 034.
10. The Joint Commissioner, Tamil Nadu Hindu
Religious And Charitable Endowments
Department, Tiruvannamalai, Tiruvannamalai
District.
11. The Assistant Commissioner, Tamil Nadu



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Hindu Religious And Charitable Endowments
Department, Tiruvannamalai, Tiruvannamalai
District. (R9 To R11 Suo Motu Impleaded
Vide Order Dated 04.08.2025 Made In
Wp.28424/2025 By Msj, Tvkj)

..Respondent(s)

Directing the 1st Respondent to take effective measures to stop the construction of temple in Adiyankuppam village, Vandavasi Taluk, Tiruvannamalai District survey No 209 encroaching the pond and subsequently take appropriate action to restore the pond and pass

For Petitioner(s): Mr.A.Manojkumar
For Mr.M.Manimaran

For Respondent(s): Mr.T.Arun Kumar, AGP for RR1 to 4.
Mr.K.C.Karl Marx, for RR5 To 8.
Mr.N.R.R. Arun Natarajan,
SGP (HR&CE) for RR9 to 11.

ORDER

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

Writ of Mandamus has been instituted to direct the 1st respondent to take effective measures to stop the construction of temple in Adiyankuppam Village, Vandavasi Taluk, Tiruvannamalai District, Survey No.209 encroaching the pond and subsequently, take appropriate action to restore the pond.

2. Learned counsel for the petitioner would mainly contend that the respondents 5 to 8 started constructing a temple in Government promboke land which is classified as “Kulam”(water body). Constructions in the water body caused obstructions to the people moving around in that locality. Subsequent to the filing of the writ petition, the authorities have stopped unauthorised constructions. Thus, the writ petition is to be considered.



3. Learned counsel for the respondents 5 to 8 would oppose by stating that Temple exists nearby the pond for 35 years and the people of that locality are worshipping the deity. It is renovation of the temple, which is proposed and therefore, the present writ petition is to be rejected.

4. Learned Special Government Pleader, HR & CE Department would submit that Inspector of HR & CE Department conducted field inspection and a Fit Person was appointed to the temple. New construction is made in a water body and during inspection, the authorities found that there is no pathway to reach the new temple construction. The adjacent land is a patta land, belongs to a private person. In the event of completion of the proposed construction, there is no possibility for creating a pathway. Therefore, there is likelihood of arising law and order issue in that locality, if the patta lands are utilised for the purpose of reaching ongoing construction site. That apart, the new proposed construction is made in a Government promboke land, classified as "Kulam" (water body). The village people are utilising the water body for catering the needs of animals. No permission has been obtained from the competent authority namely, District Collector, for construction of a new temple in Government promboke land, which is a water body. Therefore, the construction is unauthorised. The Fit Person appointed by the HR & CE conducted field inspection and his report reveals that the construction would cause obstructions to the people in that locality and usage of pond for storage



of water to feed animals in that locality. Beyond this, there is no pathway to reach the proposed construction.

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5. The Tahsildar filed a status report and paragraph No.6 of the report reads as under:

I humbly submit that the survey revealed the following factual position:

a. On the eastern embankment of the pond, new construction work relating to a Krishna temple is in progress by the village people for the past one year, covering an extent of 0.39 sq.mtr. within Survey No.209.

b. An existing Murugan Temple aged 25 years ago maintaining by Thiru.Srinivasa Reddiyar, S/o Krishnaswamy Reddiyar and his family, a place of worship, is located on the southern side of the pond, extending into 0.25 sq.mtr. of Survey No.209 and marginally into the adjoining survey number.

c. Two encroachments by way of residential houses are situated on the southern side of the pond, first one is thatched house belonging to family of Thiru.Selvaraj, S/o Vadivel-(1) measuring 0.11 sq.mtr. and second one temporary sheet-roofed house belonging to family of Thiru. Elumalai, S/o Gopal - (2) measuring 0.20 sq.mtr.

d. Apart from the above encroachments along the embankment, the central portion of the pond remaining in a depressed condition, retaining the physical features of a water body retaining the physical features of a water body.



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6. The proposed construction has already been stopped by the authorities. Any such unauthorised construction would result in large repercussions. Thus, the respondents 1 to 4 and 9 to 11 are directed to demolish the incomplete unauthorised construction in water body and restore the pond in its original position for storage of water to feed animals and for the benefit of the people in that locality. If the respondents 5 to 8 proposed to construct any temple, it must be done in accordance with law by identifying a suitable land and by obtaining permission from the competent authority in the manner known to law. Demolition of the unauthorised incomplete construction is directed to be completed within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands allowed.

(S.M.S.,J.) (C.K.,J.)
19-01-2026

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

VSI



To

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2. The Revenue Divisional Officer Vandavasi Taluk, Tiruvannamalai District
3. The Tashildar Vandavasi Taluk, Tiruvannamalai District
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9. The Commissioner, Tamil Nadu Hindu Religious And Charitable Endowments Department, No.119, Uthamar Gandhi Salai, (previously Nungambakkam High Road), Nungambakkam, Chennai - 600 034.
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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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