



W.P.No.3385 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.03.2026

Coram:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.No.385 of 2020
and
W.M.P.No.441 of 2020

K.Azhagan

.. Petitioner

Vs.

1. The Union Territory of Puducherry,
Represented by the Secretary to Government,
Hindu Religious Institutions and Wakf Department,
Secretariat, Puducherry.
2. The Commissioner,
Hindu Religious Institutions and Wakf,
III Floor, Collectorate Buildings,
Vazhuthavur Road,
Pettayanchatram,
Puducherry-605 009.
3. The Project Director,
District Rural Development Agency,
II Floor, Puducherry Housing Board Building,
Anna Nagar, Puducherry-605 005.

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4. The Block Development Officer,
Ariyankuppam Block,
Ariyankuppam, Puducherry.

5. S.Sivaprakasam

6. M.Kittu

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the third respondent from in any manner proceeding with the construction of any permanent structure for the modern market on the Temple lands belonging to Sri Pattabiramaswamy Temple Devasthanam, situated in Survey No.62/8 (Kathaasthar No.146) at Revenue Village No.80, Utchimedu, Madhikrishnapauram, popularly known as Mullodai on the Cuddalore-Puducherry Main Road and further direct the respondents 1 and 2 herein to ensure that the Temple lands are not used or exploited for any other purpose by erecting any no permanent structure and also to direct the fifth respondent to hand over the charges to Hindu Religious Institutions and Wakf Department, within a time frame.

For petitioner : Mr.A.R.Suresh

For respondents: Mr.R.Sreedhar, Addl.G.P. (Pondicherry) for RR-1 to 4

No appearance for RR-5 and 6

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ORDER

(The Order of the Court was made by Dr.G.Jayachandran, J)

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus, to forbear the third respondent from in any manner proceeding with the construction of any permanent structure for the modern market on the Temple lands belonging to Sri Pattabiramaswamy Temple Devasthanam, situated in Survey No.62/8 (Kathaasthar No.146) at Revenue Village No.80, Utchimedu, Madhikrishnapuram, popularly known as Mullodai on the Cuddalore-Puducherry Main Road and further direct the respondents 1 and 2 herein to ensure that the Temple lands are not used or exploited for any other purpose by erecting any no permanent structure and also to direct the fifth respondent to hand over the charges to Hindu Religious Institutions and Wakf Department, within a time frame.



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2. The case of the petitioner is that the land in S.No.62/8 Kathaasthar No.146 belongs to Sri Pattabiramaswamy Temple Devasthanam and this land is now proposed to be converted into a market and steps were taken by the Government to convert the Temple land for commercial purpose and necessary funds have also been allotted and the proposal to construct a Weekly market in the land of the Temple, which is contrary to the provision of law and against the sentiments of the devotees.

3. The Commissioner of the Department of Hindu Religious Institutions of the Pondicherry had filed counter affidavit on his behalf and on behalf of the Government of Pondicherry, wherein, he has categorically stated that there is no proposal to put up any permanent model market structure in the said land. Currently, the said land is used for Temple weekly market and under proper lease with all income going to the Temple fund. The learned Additional Government Pleader (Pondicherry) has also given an undertaking that they will not permit any permanent structure without putting the same under due process of law.

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4. From the counter affidavit, we find that prior concurrence of the Hindu Religious Institution and Wakf Department, is required to exploit the land of the Temple.

5. In this case, no such consent has been given by the Hindu Religious Institutions and Wakf Department of the Pondicherry in respect of the Temple till date.

6. Therefore, the apprehension of the writ petitioner that the respondents are proceeding with the proposal to construct a permanent market in the Temple land, is found to be baseless apprehension.

7. Therefore, recording the above said undertaking given by the Commissioner of Department of Hindu Religious and Wakf, Pondicherry,

8. We dispose of the present Writ Petition, recording the said undertaking affidavit as extracted above.



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9.Learned counsel appearing for the first respondent/Union Territory of Pondicherry submitted that the Government is contemplating to bring necessary amendments in the statute that the land of the Temples under the control of the Hindu Religious Department, shall not be subjected to any alienation or conversion, which may lead to commercial exploitation.

10.We record the above said submissions of the learned Additional Government Pleader (Pondicherry) and make it clear that in any event, the land of the Temple shall not be converted for permanent commercial activity and not unconnected to the Temple activities.

11.With the above observations/directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the miscellaneous petition is closed.

(Dr.G.J.,J) (S.S.A., J)
05.03.2026

Index: Yes/no

Speaking Order: Yes/no

Neutral Case citation:Yes/no
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Dr.G.Jayachandran, J

and

Shamim Ahmed, J

CS

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