



W.P.No.49049 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.49049 of 2025

M.Dhanam
W/o.Manicakam

... Petitioner

VS.

1. The District Collector
Collectorate Salem
Salem – 636 001.
2. The Tahsildar
Taluk Office Kadayampatty
Kadayampatty Taluk
Salem District.
3. The Commissioner
Kadayampatty Union Office
Kadayampatty Taluk
Salem District.
4. The Joint Commissioner of
Hindu Religious and Charitable Endowments Department
Salem – 636 001.
5. N.Rajasekar
S/o.Nagaraj

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J.Manikandan
S/o.Jagadeesan

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 to 4 to consider the claim of the petitioner with regard to remove the encroachment made at Kanjanaikkan Patty Village, survey No.169/1 in the Panchayat Road of Kadayampatty Taluk, Salem District.

For Petitioner : Mr.P.Rajendiran

For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 and R2
Dr.S.Suriya
Additional Government Pleader,
for R3
Mr.S.Ravichandran
Additional Government Pleader
HR&CE Department, for R4
Mr.T.Ganesan, for R5 and R6

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The writ petition has been instituted seeking a direction to the respondents 1 to 4 to consider the claim of the petitioner with regard to remove the encroachment made at Kanjanaikkan Patty Village, Survey No.169/1 in the Panchayat Road of Kadayampatty Taluk, Salem District.

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2. The learned Additional Government Pleader, appearing on behalf of the Hindu Religious and Charitable Endowments Department, would submit that the authorities conducted an inspection and found that the temple properties are encroached upon. He would further submit that a civil suit has been instituted by the petitioner.

3. Under these circumstances, the competent authorities under the HR&CE Act have to initiate appropriate enforcement action to ensure that the temple properties are protected. If any encroachments are identified, eviction proceedings under Section 78 of HR&CE Act are to be initiated. The petitioner and the respondents are at liberty to defend their case in the manner known to law.

4. In view of the above factum, the respondents 2, 3 and 4 are directed to initiate appropriate action to evict the encroachers from the temple properties by following procedures contemplated under the HR&CE Act, within a period of twelve weeks from the date of receipt of a copy of this order.

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WEB COPY With the above directions, the Writ Petition stands disposed of.

There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
27.04.2026

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

mk

To

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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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