



W.P.No.50061 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HON'BLE Mr. JUSTICE **V.LAKSHMINARAYANAN**

W.P.No.50061 of 2025
and W.M.P.Nos.56004 & 56006 of 2025

D.Sukumar
S/o.Dharuman,
No.237, Padasalai Street,
Puthupalayam Village, Onnupuram Post,
Tiruvannamalai,
Tamilnadu- 632315

..Petitioner(s)

Vs

1. The District Collector
District Collector Office,
Thiruvannamalai 606 604.
2. The District Revenue Officer
District Revenue Office,
Arni Taluk,
Thiruvannamalai - 632 301.
3. The Tahsildhar
The Arni Tahsildar Office,
Arni Taluk,
Thiruvannamalai 632 301.
4. The Block Development Officer,
Block Development Officer,
Arni Taluk,
Thiruvannamalai - 632 301



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5. The Panchayat Secretary
Puthupalayam Village ,
Onnupuram Post,
Tiruvannamalai 632315.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.A5/16/2025 dated 09.09.2025 passed by the 4th respondent and quash the same and consequently, to direct the Respondents 1 to 5 to put up the village panchayat building at S.No.295/35,Puthupalayam Village, Onnupuram Post, Arni Taluk, Tiruvanamallai District, within the time stipulated as prescribed by this Court.

For Petitioner(s): Mr.G.Mutharasu

For Respondent(s): Mr.N.Naveen Kumar,
Government Advocate for R1 to R3

Mr.P.Harish,
Government Advocate for R4 & R5

ORDER

This Writ Petition has been filed challenging the order dated 09.09.2025 passed by the 4th respondent and consequently, to direct the respondents 1 to 5 to put up the village panchayat building at S.No.295/35,Puthupalayam Village, Onnupuram Post, Arni Taluk, Tiruvanamallai District, within the time stipulated as prescribed by this Court.

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2. The petitioner claims to be a worshiper of the Arulmigu Amirthavalli Udanurai Adhisvarar Temple situated at Keel Nagar, Madura, Pudhupalayam, Arani Taluk, Tiruvannamalai District. He also states that he, along with other villagers, in discharge of their religious duties, are regularly offering worship and cleaning the temple from time to time.

3. The cause of action for the present Writ Petition is that the fifth respondent has started putting up a construction over Survey Nos.306/11 and 306/12. According to the petitioner, the said land belongs to the aforesaid temple and is being utilized for temple festival purposes. The plea is that the construction affects the rights of the temple and hence, he is entitled to move this Court and seek for the order as he has sought for.

4. Considering the plea of the petitioner that the fifth respondent is constructing an office on the property belonging to the temple, I entertained the Writ Petition and granted an order of status quo. I issued notice in the Writ Petition.



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5. Mr.P.Harish has filed a counter affidavit of the fourth respondent. Perusal of the affidavit shows that the fourth respondent claims that the survey No.306/11 is not a temple property and that the panchayat building was already existing there. As the building had become dilapidated, it had been pulled down and a new building is sought to be constructed. In paragraph No.5, it is stated that based on the available records, the fourth respondent has come to the conclusion that no land ever belonged to the temple and that even the temple is situated on the government property and does not have any possessory right over any other property.

6. Heard Mr.G.Mutharasu for the petitioner, Mr.N.Naveen Kumar, learned Government Advocate for the respondents 1 to 3 and Mr.P.Harish, learned Government Advocate for the respondents 4 & 5.

7. Though a plea has been taken that the petitioner does not have locus to maintain the Writ Petition as he himself is an encroacher of the land, I am not inclined to entertain the said plea. This is because any person



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claiming to be a worshiper of the temple has the locus to come before a Court and make a plea, for and on behalf, of the idol. It is a settled position of the law that did should be treated on par with a minor/infant and hence, any person who has interest in the temple should be permitted to agitate the rights for and on behalf of the such entity.

8. For the mere fact that the petitioner has locus standi to initiate a proceeding on behalf of the temple does not mean that this Court should don upon itself the role of a civil court and decide whether the temple is the owner of the property or not. The appropriate remedy, in such circumstances, is to move the jurisdictional civil court and seek for declaration and permanent injunction or such other reliefs as the petitioner may advised.

9. Mr.G.Mutharasu, states that the petitioner had already moved a suit before the learned Subordinate Judge, Arani, seeking the reliefs of declaration, permanent injunction and mandatory injunction in TNTM03000042/2026 in F.No.OS.47/26 on 03.02.2026. The plaint has been returned on the ground that the petitioner does not have any locus to represent the temple.



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10. I have already pointed out earlier that any worshiper has locus to represent the temple and present a suit. Be that as it may, It is for the petitioner to convince the learned Subordinate Judge to take the suit on file.

11. Since there are disputed questions of fact, I am not inclined to entertain this Writ Petition. At this stage, Mr.G.Mutharasu pleads that the interim order may be extended for the period of eight weeks. This plea is made on the ground that in case the construction is completed, there is not be much to be done in the civil proceedings. I am not inclined to grant a status quo for such a long period, as Mr.N.Naveen Kumar and Mr.P.Harish, plead that it is the work has commenced. Hence, the status quo that is prevailing as on today, will continue for a period of four weeks from today. It is for the petitioner to move appropriate application before the learned Subordinate Judge and obtain an interim order.



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12. Accordingly, with the aforesaid observations and liberty, the

Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

05.02.2026

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

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