



WEB COPY

WP No. 246 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 246 of 2026
and
W.M.P.Nos.288 & 289 of 2026**

1. Devagi

2. Meenal

Petitioners

Vs

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Cuddalore.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ariyalur District, Ariyalur.

4.The Executive Officer,
Arulmighu Kazhumalainathaswamy Temple,
Jayankondam, Udayarpalayam Taluk,
Ariyalur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, call for the records relating to the impugned notice issued by the second respondent in M.P.No.115/2025/A4 dated



29.07.2025 and to quash the same.

For Petitioners: Mr.C.Prabakaran

For Respondents: Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

The prayer in the writ petition is for a Certiorari, calling for the records relating to the impugned notice issued by the second respondent in M.P.No.115/2025/A4 dated 29.07.2025.

2. Upon hearing the learned counsel for the petitioners and perusing the material records of the case, the grievance of the petitioners is that they claim title of the property. It is their claim that they have been in possession for more than 70 years. They have already filed a suit for declaration of title and the same is pending on the file of the Principal District Court, Ariyalur, in O.S. No.72 of 2022. As a matter of fact, the revenue records were mutated in the name of the temple, which is also the subject matter of the civil suit. Pending the same, the respondents ought not to have initiated proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and therefore, the petitioners are before this Court.

3. Per contra, *Mr.N.R.R.Arun Natarajan*, the learned Special Government Pleader appearing for the respondents, would submit that when the temple



claims the property, it is always entitled to initiate proceedings under Section 78 of the Act. What is challenged in the writ petition is only a show cause notice and it is always open to the petitioners to submit their explanation, which will be considered in accordance with law. As a matter of fact, the petitioners' husband has been paying rent to the temple, declaring themselves as a tenant.

4. After hearing the arguments and upon enquiry by this Court, it is represented that an application for interim injunction is also pending in the civil suit. As contended by the learned Special Government Pleader for the temple, if the temple claims ownership of the property, then the authorities are right in taking up proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and it is for the petitioners to submit their explanation to the show cause notice and participate in the enquiry. It is open to the petitioners to contend and establish that they alone have title to the property.

5. However, when the petitioners have filed a civil suit for declaration of title, it is for the petitioners to establish their title in the suit. If in the meanwhile the petitioners are aggrieved by any proceedings on behalf of the temple, then the petitioners ought to have obtained appropriate interim injunction/orders from the civil Court and the same cannot be prayed for in this writ petition.



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6. In view thereof, the writ petition is ***disposed of*** on the following terms:

(i) Eight weeks time is granted to the petitioners to submit a reply to the impugned notice in M.P.No.115/2025/A4 dated 29.07.2025 and the petitioners shall submit their written explanation before the authorities on or before 16.03.2026. If the petitioners submit the same, it shall be considered in accordance with law and the enquiry may proceed thereafter.

(ii) In the meanwhile, the learned Principal District Court, Ariyalur, is requested to take up the application for interim relief said to be pending in O.S.No.72 of 2022 and complete the enquiry and pass orders thereon in accordance with law within a period of four weeks from the date of receipt of the web copy of this order, without waiting for the certified copy of the order.

(iii) Needless to mention, the parties shall cooperate both in the civil suit as well as in the Section 78 proceedings.

(iv) Consequently, connected Miscellaneous petition is also closed. No costs.

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Neutral Citation: Yes/No

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Endowments Department,
No. 119, Uthamar Gandhi Salai,
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2. The Joint Commissioner,
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Jayankondam, Udayarpalayam Taluk,
Ariyalur District.

5. The Principal District Court,
Ariyalur.



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**D.BHARATHA
CHAKRAVARTHY J.**

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