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W.P.(MD)Nos.2325 of 2026, etc. batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2026

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)Nos.2325 to 2362, 2377 to 2416, 2421 to 2455, 2471 to 2481, 2511 to 2549 of 2026
& W.M.P(MD)Nos.1826, 1827, 1831, 1832, 1834, 1839, 1843, 1900, 1902 to 1905, 1908, 1910, 1932, 1933, 1828 to 1830, 1833, 1835 to 1838, 1840 to 1842, 1844 to 1898, 1906 , 1907, 1909, 1911 to 1928, 1938 to 1952, 1954, 1955, 1957, 1958, 1965, 1972, 1953, 1956, 1959, 1960, 1961, 1962, 1963, 1964, 1966 to 1971, 1973 to 1977, 1980 to 1988, 1990 to 1997, 1999 to 2008, 2010 to 2013, 2015 to 2017, 2022, 2027, 2029 to 2041, 2043, 2045, 2047 to 2050, 2053, 2054, 2077 to 2112, 2114, 2115 & 2117 to 2136 of 2026

W.P.Nos.2325 to 2333 of 2026

Stephen Jacob

... Petitioner in W.P.(MD)2325 of 2026

Kabeer

... Petitioner in W.P.(MD)2326 of 2026

Nani Gopal Bhowmik

... Petitioner in W.P.(MD)2327 of 2026

Francis

... Petitioner in W.P.(MD)2328 of 2026

Murugan

... Petitioner in W.P.(MD)2329 of 2026

Saravanan

... Petitioner in W.P.(MD)2330 of 2026

Ramesh Babu

... Petitioner in W.P.(MD)2331 of 2026

Heleena Geetha George

... Petitioner in W.P.(MD)2332 of 2026



W.P.(MD)Nos.2325 of 2026, etc. batch

Nirmala Mary Solomon

... Petitioner in W.P.(MD)2333 of 2026

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowment Department
No.119, Uthamar Gandhi Salai
Nungampakkam, Chennai.

2. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Kanyakumari District
Office at Suchindram - 629 704.

... Respondents in all cases

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No. 2852/2025/D3 dated 23.01.2026 and quash the same.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.K.Balasubramanian, SGP for R1
Mr.R.Shankar Ganesh, for R2

W.P.Nos.2334 to 2362 of 2026

T.Sathish

... Petitioner in W.P.(MD)2334 to 2336 of 2026

M.Murugan

... Petitioner in W.P.(MD)2337 of 2026



W.P.(MD)Nos.2325 of 2026, etc. batch

R.Rajasaji

... Petitioner in W.P.(MD)2338 of 2026

E.Subbiyah

... Petitioner in W.P.(MD)2339 of 2026

C.Subash

... Petitioner in W.P.(MD)2340 of 2026

P.Ganesan

... Petitioner in W.P.(MD)2341 of 2026

T.Muthulingam

... Petitioner in W.P.(MD)2342 of 2026

T.Selvakumar

... Petitioner in W.P.(MD)2343 of 2026

M.Suresh

... Petitioner in W.P.(MD)2344 of 2026

Muthu E

... Petitioner in W.P.(MD)2345 of 2026

Ramachandran E

... Petitioner in W.P.(MD)2346 of 2026

Manikandan K

... Petitioner in W.P.(MD)2347 of 2026

Rajan P

... Petitioner in W.P.(MD)2348 to 2350 of 2026

V.Murugan

... Petitioner in W.P.(MD)2351 of 2026

M.Saravanan

... Petitioner in W.P.(MD)2352 of 2026

S.Sivakumar

... Petitioner in W.P.(MD)2353 of 2026

T.Saravanan

... Petitioner in W.P.(MD)2354 of 2026

O.Manikandan

... Petitioner in W.P.(MD)2355 of 2026

P.Rajan

... Petitioner in W.P.(MD)2356 of 2026

S.Bindhu

... Petitioner in W.P.(MD)2357 of 2026



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E.Periyasamy

... Petitioner in W.P.(MD)2358 of 2026

S.Durai

... Petitioner in W.P.(MD)2359 of 2026

M.Kannan

... Petitioner in W.P.(MD)2360 of 2026

Y.Justin Xavier

... Petitioner in W.P.(MD)2361 of 2026

T.Balakrishnan

... Petitioner in W.P.(MD)2362 of 2026

Vs.

1. The Commissioner
Hindu Religious and Endowment Department
119, Uthamar Gandhi Salai
Nungambakkam, Chennai- 34.

2. The Joint Commissioner/Executive Officer
Hindu Religious and Endowment Department
Kanyakumari District Temples
Suchindram, Kanyakumari District.

3. The Manager
Arulmigu Bhagavathiyamman Temple
Kanyakumari, Kanyakumari District.

4. The Commissioner
Kanyakumari Municipality
Kanyakumari District.

... Respondents in all cases

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the
records pertaining to the impugned notice in Na.Ka.No.2852/2025/D3



W.P.(MD)Nos.2325 of 2026, etc. batch

dated 23.01.2026 on the file of the 2nd respondent and quash the same as illegal and consequently for a direction directing the respondents no.1 to 4 not to dispossess the petitioner from his shop in S.no.679/2 situated in Thiruvani Sangamam, Agasteeswaram Taluk, Kanyakumari District without following the due process of law

For Petitioner : Mr.T.Lajapathiroy, Sr.counsel
for M/s.Roy and Roy Associates

For Respondent : Mr.K.Balasubramani, SGP for R1
Mr.R.Shankar Ganesh, for R2 & 3
Mr.H.Arumugam for R4

W.P.Nos.2377 to 2397 of 2026

Krishnakumar	... Petitioner in W.P.(MD)2377 of 2026
Sri Ram Vivek	... Petitioner in W.P.(MD)2378 of 2026
Ramadevi	... Petitioner in W.P.(MD)2379 of 2026
Sivakumar	... Petitioner in W.P.(MD)2380 of 2026
Kala Lakshmi	... Petitioner in W.P.(MD)2381 of 2026
Kalidhas	... Petitioner in W.P.(MD)2382 of 2026
Arumugam	... Petitioner in W.P.(MD)2383 of 2026
Athi Siva Krishnan	... Petitioner in W.P.(MD)2384 of 2026
Anantha Gopalan	... Petitioner in W.P.(MD)2385 of 2026



W.P.(MD)Nos.2325 of 2026, etc. batch

Selvakumar

... Petitioner in W.P.(MD)2386 of 2026

Muruganantham

... Petitioner in W.P.(MD)2387 of 2026

Ramachandran

... Petitioner in W.P.(MD)2388 of 2026

Devan

... Petitioner in W.P.(MD)2389 of 2026

Nagarajan

... Petitioner in W.P.(MD)2390 of 2026

Sivalingam

... Petitioner in W.P.(MD)2391 of 2026

Mangalam

... Petitioner in W.P.(MD)2392 of 2026

Lekha

... Petitioner in W.P.(MD)2393 of 2026

Antin Midhu Dorathi

... Petitioner in W.P.(MD)2394 of 2026

Rejitha

... Petitioner in W.P.(MD)2395 of 2026

Krishnan

... Petitioner in W.P.(MD)2396 of 2026

Rajikrishnan

... Petitioner in W.P.(MD)2397 of 2026

Vs.

1. The Commissioner

Hindu Religious and Charitable Endowment Department

No.119, Uthamar Gandhi Salai

Nungampakkam, Chennai.

2. The Joint Commissioner

Hindu Religious and Charitable Endowment Department

Kanyakumari District

Office at Suchindram - 629 704.

... Respondents in all cases



W.P.(MD)Nos.2325 of 2026, etc. batch

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka. No. 2852/2025/D3 dated 23.01.2026 and quash the same.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.K.Balasubramani, SGP for R1
Mr.R.Shankar Ganesh, for R2

W.P.Nos.2398 to 2416 of 2026

Vareethu	... Petitioner in W.P.(MD)2398 of 2026
Sudha Lobbas	... Petitioner in W.P.(MD)2399 of 2026
S.Sarathkumar	... Petitioner in W.P.(MD)2400 of 2026
Tamilselvam	... Petitioner in W.P.(MD)2401 of 2026
Balasubramaniam	... Petitioner in W.P.(MD)2402 of 2026
Rajkumar M	... Petitioner in W.P.(MD)2403 of 2026
Selvarani	... Petitioner in W.P.(MD)2404 of 2026
Arjunan	... Petitioner in W.P.(MD)2405 of 2026
Krishnapillai	... Petitioner in W.P.(MD)2406 of 2026
Ramaiah	... Petitioner in W.P.(MD)2407 of 2026



W.P.(MD)Nos.2325 of 2026, etc. batch

L.Michael Raj

... Petitioner in W.P.(MD)2408 of 2026

P.Ravikumar

... Petitioner in W.P.(MD)2409 of 2026

Pavithra

... Petitioner in W.P.(MD)2410 of 2026

Kadhar Batcha

... Petitioner in W.P.(MD)2411 of 2026

R.Kanagaraj

... Petitioner in W.P.(MD)2412 of 2026

Ramasamy

... Petitioner in W.P.(MD)2413 of 2026

Sudha Raghupathy

... Petitioner in W.P.(MD)2414 of 2026

S.Muthuraja

... Petitioner in W.P.(MD)2415 of 2026

T.Kalaiselvi

... Petitioner in W.P.(MD)2416 of 2026

Vs.

1. The Joint Commissioner / Executive Officer
Hindu Religious and Charitable Endowments Department
(Incorporated and Unincorporated Devasam Temples)
Suchindram Head Office, Suchindram Post
Kanyakumari District.

2. The Commissioner
Kanyakumari Municipality
Kanyakumari District.

... Respondents in all cases

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the
records pertaining to the impugned order passed by the 1st respondent in



W.P.(MD)Nos.2325 of 2026, etc. batch

Na.Ka.No. 2852/2025/D3 dated 23.01.2026 and quash the same as illegal and unlawful, consequently direct the respondents to permit the petitioner to continue his business at empty space numbered as Shop No. F15 at Survey No. 679/2, Kanyakumari Revenue Village, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.M.P.Senthil,
for Mr.J.Pooventherarajan

For Respondent : Mr.R.Shankar Ganesh, for R1
Mr.H.Arumugam, for R2

W.P.Nos.2421 to 2455 of 2026

Flora	... Petitioner in W.P.(MD)2421 of 2026
Johnson Jacob	... Petitioner in W.P.(MD)2422 of 2026
Muthukumar	... Petitioner in W.P.(MD)2423 of 2026
Paramanantha Lingam	... Petitioner in W.P.(MD)2424 of 2026
Peer Mohamed	... Petitioner in W.P.(MD)2425 of 2026
Rajan	... Petitioner in W.P.(MD)2426 of 2026
Sagunthala	... Petitioner in W.P.(MD)2427 of 2026
Thambi Thangam	... Petitioner in W.P.(MD)2428 of 2026
Sam V.Thinakar	... Petitioner in W.P.(MD)2429 of 2026



W.P.(MD)Nos.2325 of 2026, etc. batch

Kumar

... Petitioner in W.P.(MD)2430 of 2026

Thangaraj

... Petitioner in W.P.(MD)2431 of 2026

Shaik Abdul Khader

... Petitioner in W.P.(MD)2432 of 2026

Periyasamy

... Petitioner in W.P.(MD)2433 of 2026

Subbiah

... Petitioner in W.P.(MD)2434 of 2026

Velappan

... Petitioner in W.P.(MD)2435 of 2026

Narayanan

... Petitioner in W.P.(MD)2436 of 2026

Sahaya Selva Jose

... Petitioner in W.P.(MD)2437 of 2026

Thanga Rethina Muthu

... Petitioner in W.P.(MD)2438 of 2026

Antony Mohan Raj

... Petitioner in W.P.(MD)2439 of 2026

Pauldurai

... Petitioner in W.P.(MD)2440 of 2026

Linga Thurai

... Petitioner in W.P.(MD)2441 of 2026

Duraiswamy

... Petitioner in W.P.(MD)2442 of 2026

Duraiswamy

... Petitioner in W.P.(MD)2443 of 2026

Kingston

... Petitioner in W.P.(MD)2444 of 2026

Jantin Jayakumar

... Petitioner in W.P.(MD)2445 of 2026

Mohamed Navas

... Petitioner in W.P.(MD)2446 of 2026

Rajesh

... Petitioner in W.P.(MD)2447 of 2026



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Saraswathi

... Petitioner in W.P.(MD)2448 of 2026

Kumaresan

... Petitioner in W.P.(MD)2449 of 2026

Gurusamy

... Petitioner in W.P.(MD)2450 of 2026

Sahaya Selva Jose

... Petitioner in W.P.(MD)2451 of 2026

Vairathammal

... Petitioner in W.P.(MD)2452 of 2026

Lakshmi

... Petitioner in W.P.(MD)2453 of 2026

Pandian

... Petitioner in W.P.(MD)2454 of 2026

Aswin Rajan Bindu

... Petitioner in W.P.(MD)2455 of 2026

Vs.

1. The District Collector
Kanyakumari District.

2. The Commissioner
Hindu Religious and Charitable Endowments Department
Nungambakkam High Road
Chennai.

3. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Palayamkottai - Trivandrum Road, Tirunelveli -7.

4. The Joint Commissioner / Executive Officer
Arulmigu Bagavathiamman Temple
Kanyakumari.



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5. The Commissioner
Kanyakumari Municipality
Kanyakumari.

... Respondents in all cases

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records relating the impugned notice dated 23.01.2026 in Na.Ka.No. 2852/2025/D3 issued by the fourth respondent and quash the same.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.K.Balasubramani, SGP for R1 & 2
Mr.R.Shankar Ganesh, for R3 & 4
Mr.H.Arumugam, for R5

W.P.(MD)Nos.2471 to 2481 of 2026

Balasubramanian	... Petitioner in W.P.(MD)2471 of 2026
Swaminathan	... Petitioner in W.P.(MD)2472 of 2026
Damodaran	... Petitioner in W.P.(MD)2473 of 2026
Natesanpillai	... Petitioner in W.P.(MD)2474 of 2026
Thiyagarajan	... Petitioner in W.P.(MD)2475 of 2026
U.Prem	... Petitioner in W.P.(MD)2476 of 2026
Muthu	... Petitioner in W.P.(MD)2477 of 2026

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Damodaran

... Petitioner in W.P.(MD)2478 of 2026

Esakkiappan Prakash

... Petitioner in W.P.(MD)2479 of 2026

Devarajan

... Petitioner in W.P.(MD)2480 of 2026

Jepchand

... Petitioner in W.P.(MD)2481 of 2026

Vs.

1. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Kanyakumari District Temples
Suchindram, Kanyakumari District

2. The Manager
Arulmigu Bagavathi Amman Temple
Kanyakumari.

3. The Commissioner
Kanyakumari Municipality
Kanyakumari

... Respondents in all cases

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling the records relating to the impugned order in Na.Ka.No. 2852/2025/D3 dated 23.01.2026 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.R.Murali

For Respondent : Mr.R.Shankar Ganesh for R1 & 2
Mr.H.Arumugam, for R3



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W.P.(MD)Nos.2511 to 2529 of 2026

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Vasanthi

... Petitioner in W.P.(MD)2511 of 2026

A.Eugine

... Petitioner in W.P.(MD)2512 of 2026

Sudarsan K

... Petitioner in W.P.(MD)2513 of 2026

S.S.Krishnamani

... Petitioner in W.P.(MD)2514 of 2026

Sulaiman

... Petitioner in W.P.(MD)2515 of 2026

Michael

... Petitioner in W.P.(MD)2516 of 2026

R.Ramachari

... Petitioner in W.P.(MD)2517 of 2026

Kamalesh Kumar

... Petitioner in W.P.(MD)2518 of 2026

Prem Chandra Nath

... Petitioner in W.P.(MD)2519 of 2026

Shaik Mujibur Rhuman

... Petitioner in W.P.(MD)2520 of 2026

Muhammed Haniba

... Petitioner in W.P.(MD)2521 of 2026

Jeyalakshmi

... Petitioner in W.P.(MD)2522 of 2026

C.Lakshmi

... Petitioner in W.P.(MD)2523 of 2026

Jeyanthi

... Petitioner in W.P.(MD)2524 of 2026

Joy Hilda

... Petitioner in W.P.(MD)2525 of 2026

Sudhan

... Petitioner in W.P.(MD)2526 of 2026

P.Muthukumar

... Petitioner in W.P.(MD)2527 of 2026



W.P.(MD)Nos.2325 of 2026, etc. batch

S.S.Kannan

... Petitioner in W.P.(MD)2528 of 2026

Mohamad Abdul Kadar

... Petitioner in W.P.(MD)2529 of 2026

Vs.

1. The District Collector
Nagarcoil, Kanyakumari District.

2. The Commissioner
Kanyakumari Municipality
Kanyakumari Town and District.

3. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Listed and Non Listed Temples
Suseenthiram, Kanyakumari District.

4. The Executive Officer
A/m.Bhagavathiamman Temple
Kanyakumari, Kanyakumari District.

... Respondents in all cases

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 3rd respondent Na.Ka.No. 2852/2025/D3, dated 23.01.2026 and quash the same.

For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.K.Balasubramani, SGP for R1
Mr.H.Arumugam, for R2
Mr.R.Shankar Ganesh, for R3 & 4



W.P.(MD)Nos.2325 of 2026, etc. batch

W.P.(MD)Nos.2530 to 2549 of 2026

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M.R.murugan

... Petitioner in W.P.(MD)2530 of 2026

S.Ayyappan

... Petitioner in W.P.(MD)2531 of 2026

S.Anandapadmanaban

... Petitioner in W.P.(MD)2532 of 2026

Paulraj M

... Petitioner in W.P.(MD)2533 of 2026

A.Mani

... Petitioner in W.P.(MD)2534 of 2026

Govintharajan TR

... Petitioner in W.P.(MD)2535 of 2026

T.Manikandan

... Petitioner in W.P.(MD)2536 of 2026

K.R.Sreedharan

... Petitioner in W.P.(MD)2537 of 2026

J.Devasingh

... Petitioner in W.P.(MD)2538 of 2026

M.Kasim

... Petitioner in W.P.(MD)2539 of 2026

Y.Kumariappan

... Petitioner in W.P.(MD)2540 of 2026

M.Bagavathi

... Petitioner in W.P.(MD)2541 of 2026

J.K.Yogeswari

... Petitioner in W.P.(MD)2542 of 2026

K.Padchand

... Petitioner in W.P.(MD)2543 of 2026

Devan S

... Petitioner in W.P.(MD)2544 of 2026

P.Natarajan

... Petitioner in W.P.(MD)2545 of 2026

K.Lalchan

... Petitioner in W.P.(MD)2546 of 2026



W.P.(MD)Nos.2325 of 2026, etc. batch

Gurusamy S

... Petitioner in W.P.(MD)2547 of 2026

J.Solet

... Petitioner in W.P.(MD)2548 of 2026

N.Shadevan

... Petitioner in W.P.(MD)2549 of 2026

Vs.

1. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Suchindram, Kanniyakumari District.

2. The Executive Officer
Arulmigu Bhagavathyamman Thirukovil
Kanniyakumari, Kanniyakumari District.

3. The Commissioner
Kanniyakumari Municipality
Kanniyakumari, Kanniyakumari District.

... Respondents in all cases

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in Na.Ka.No. 2852/2025/D3 dated 23.01.2026 on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.Aayiram K Selvakumar

For Respondent : Mr.R.Shankar Ganesh for R1 & 2
Mr.H.Arumugam for R3



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W.P.(MD)Nos.2325 of 2026, etc. batch

COMMON ORDER

These writ petitions have been filed against the impugned notice dated 23.01.2026 issued by the Joint Commissioner of HR&CE Department.

2. The learned counsel appearing for the respective petitioners would submit that the Manager, Arulmigu Bhagavathiammam Temple (hereinafter called as “Temple”) had constructed buildings in the form of shops in the subject premises and leased out the same to the respective petitioners. Now, the Joint Commissioner, HR&CE Department made an attempt to remove the petitioners's shops by stating that the said buildings are unauthorized constructions and in this regard, he had issued notices to the petitioners directing them to vacate the premises and handover the possession to the Temple Authorities within a period of 3 days.



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3. Further, they would submit that the properties were constructed by the Temple and leased out to the petitioners and now, the Temple is in the process of making an application for getting regularisation, since the building was constructed without approval. Under these circumstances, without providing any opportunities to the petitioners, the Kanyakumari Municipality had proceeded to demolish the constructions made by the Temple, in which the petitioners are running shops and duly paying the rent.

4. Further, the learned counsel appearing for the Temple would also submit that in this case, there is no need for getting any approval since these constructions were put up few decades ago. After all, these are all leased out properties, for which, the petitioners are duly paying the lease amount.

5. By referring the order passed by the Hon'ble Division Bench in WP(MD)No.17868 of 2014 dated 09.12.2025, he would submit that the said order was passed for removal of unauthorised constructions made by a particular occupant on the ground of encroachment of the Temple



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property without obtaining any approval. However, taking into cognizance of the said order, the Commissioner, Kanyakumari Municipality had applied the same yard stick for all the shop owners, to whom the constructions were leased out by the Temple, and issued the impugned notice to vacate the premises. Hence, he requests this Court to quash the proceedings initiated by the Commissioner, Kanyakumari Municipality. In support of his contentions, he referred to the order passed by the Hon'ble Apex Court in ***Civil Appeal Nos.3461 to 2505 of 2019 (S.Kumar vs. The Commissioner and others)***.

6. On the other hand, the learned Special Government Pleader for the Commissioner, Kanyakumari Municipality, had strongly opposed the submissions made by the petitioners and would submit that the constructions were made by the Temple without obtaining any approval and hence, the Hon'ble Division Bench of this Court, vide the order dated 09.12.2025 in WP(MD).No.17868 of 2014, issued a direction for removal of unauthorised constructions. Subsequently, vide order dated 19.01.2026, the Hon'ble Division Bench had granted time limit for removal of the said unauthorised constructions till 23.01.2026 and the



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same was extended till tomorrow (30.01.2026). In such case, the Commissioner, Kanyakumari Municipality, is bound to comply the said order, otherwise it would amount to contempt of the Court. Hence, he would suggest that if the petitioners are aggrieved over the said notice, they can very well file an appeal before the Hon'ble Apex Court.

7. Further, he would submit that the order passed by the Hon'ble Division Bench of this Court would apply to all the persons, who are running shops in the unauthorised constructions. In these cases, the petitioners and the Temple had admitted that the buildings at the subject premises were constructed without obtaining any approval. When such being the case, if these petitions are entertained, the same will certainly amount to violation of the order dated 19.01.2026 passed by the Hon'ble Division Bench of this Court. Hence, he prays for dismissal of these petitions.

8. Heard all the respective learned counsel and perused the entire materials available on record.



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9. In the cases on hand, upon perusal of the affidavits and other relevant documents furnished by the petitioners, it appears that the constructions at the subject premises were put up by the Temple in the form of shops and the same were leased out to the petitioners. The petitioners are in enjoyment of the said shops and running their business, for which, they are duly paying the rents to the Temple. There is no dispute on the above aspect.

10. Under these circumstances, pursuant to the order dated 19.01.2026 passed by the Hon'ble Division Bench of this Court in WP(MD)No.17868 of 2014, now, the Commissioner, Kanyakumari Municipality is taking steps to demolish the unauthorised buildings, which were constructed without approval and leased out to the petitioners by the Temple.

11. Upon perusal, it appears that in the said Division Bench order, it has been categorically stated that inspite of the notice issued on 11.11.2025, no steps were taken by the petitioners and the Temple to remove the unauthorised constructions and vacate the premises. Under



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these circumstances only, a direction was issued to the Commissioner, Kanyakumari Municipality, to take an immediate action for removing the unauthorised constructions and file a report on or before 23.01.2026. The said order is extracted hereunder :

“The status report file by the Commissioner, Kanyakumari District, indicates that many of the unauthorised constructions particularly put up by the temple has not been removed in spite of the notice issued on 11.11.2025. Immediate action for removing the unauthorized construction should be taken and report be filed on or before 23.01.2026. Post on 23.01.2026.”

12. A perusal of the above makes it clear that the Commissioner, Kanyakumari Municipality had already put up a notice on 11.11.2025 to the petitioners. In spite of the same, no steps were taken for removal of the said unauthorised constructions.

13. Further, the fact remains that the said constructions are unauthorised constructions and the same were put up without obtaining any approval. According to the Commissioner, Kanyakumari



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Municipality, this aspect was already brought into the knowledge of the Hon'ble Division Bench of this Court, wherein the requests made by the petitioners were rejected after due consideration of all the aspects. Under these circumstances only, pursuant to the order passed by the Hon'ble Division Bench, the 4th respondent had issued the impugned notice dated 23.01.2026. Aggrieved over the same, the petitioners filed the present petitions.

14. As rightly contended by the Commissioner, Kanyakumari Municipality, the Hon'ble Division Bench of this Court had already duly considered all the aspects raised by the petitioners and the Temple while passing the orders dated 09.12.2025 & 19.01.2026 for removal of unauthorised constructions at the subject premises. When such being the case, now, it is not proper for this Court to entertain these petitions and interfere with the impugned notice, which was issued by the Commissioner, Kanyakumari Municipality, pursuant to the aforesaid order dated 19.01.2026.



15. Further, a submission was also made on behalf of the street vendors. At this juncture, this Court feels that it would appropriate to make it clear that the order passed by the Hon'ble Division Bench of this Court is only with regard to the illegal and unauthorised constructions at the subject premises. When such being the case, it is needless to state that the interest of the street vendors, who are running their shops at the empty spaces, will not at all get affected by virtue of the said order.

16. A reference was made by the petitioner to the order passed by the Hon'ble Supreme Court in ***Civil Appeal Nos.3461-3505***. The relevant portion of the said order reads as follows:

“6. These appellants individually claim that they have been doing their business either as licensee or/and with the permission of the Temple Authorities. In substance, the claim of the appellants is that they have been in lawful possession of the land for doing their business and, therefore, the respondents-the State Authorities and the Temple Management cannot dispossess any of them from their individual shops without following the due process of law.

7 to 11

12. In our considered opinion, the issue raised in these appeals is governed by the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (for short “the Act, 1959). Chapter VII of the Act, 1959 deals with the cases of encroachment on the land



belonging to religious institutions. This chapter consists of Sections 77 to 85.

13. Section 77 of the Act, 1959 deals with transfer of lands appurtenant to or adjoining religious institutions prohibited except in special cases. Section 78 deals with encroachment by persons on land or building belonging to charitable or religious institution or endowment and the eviction of encroachers. Section 79 deals with mode of eviction on failure of removal of the encroachment as directed by the Joint Commissioner. Section 79-A deals with encroachment by groups of persons on 6 land belonging to charitable religious institutions and their eviction. Section 79-B deals with penalty for offences in connection with encroachment. Section 79-C deals with recovery of moneys due to religious institution, as arrears of land revenue. Section 80 deals with eviction of lessees, licensees or mortgagees with possession in certain cases. Section 81 provides for an appeal against Joint Commissioner or the orders of Deputy Commissioner passed under Section 80. Section 82 provides for payment of Compensation. Section 83 deals with constitution of Tribunal. Section 84 deals with suits against the award. Section 85 provides for protection of action taken under Chapter VII of the Act, 1959.”

17. The above order had been passed in favour of the occupant since the respondents therein had failed to follow the due process of law. However, in this case, the Commissioner, Kanyakumari Municipality, had already provided an opportunity to the petitioners by virtue of notice dated 11.11.2025 and the said aspect was duly recorded in the order dated 19.01.2026 passed by the Hon'ble Division Bench of this Court.



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After considering all the aspects, the order for removal of unauthorised constructions came to be passed. In such case, the question of not following the due process of law will not at all come into picture and hence, the said case law will not be applicable to the present petitions.

18. In view of the above, this Court does not find any merits in these writ petitions. Therefore, all these writ petitions are liable to be dismissed. Accordingly, these writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

29.01.2026

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