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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.02.2026

PRONOUNCED ON : 06.02.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.P.(MD)No.2646 of 2026
and
W.M.P.(MD)No.2235 of 2026

N.Kumar

... Petitioner

Vs.

- 1.The District Collector,
O/o.the District Collectorate,
Ramanathapuram District.
- 2.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.
- 3.The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Revenue Divisional Officer,
Ramanathapuram District.
- 5.The Tahsildar,
Ramanathapuram District.
- 6.The Deputy Superintendent of Police,
Ramanathapuram, Ramanathapuram District.



7.The Assistant Engineer (Electrical Department),
TANGEDCO,
Ramanathapuram District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.3063/2025/F1 dated 27.01.2026 and to quash the same as illegal.

For Petitioner : Mr.Niranjan S.Kumar
For Respondents : Mr.S.R.A.Ramachandran (R1, R3,
R4 & R5)
Additional Government Pleader
Mr.K.Saravanan (R2)
Mr.G.Gnanasekaran (R6)
Government Advocate (Crl.side)

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

The petitioner herein claiming himself as the Managing Trustee of a temple by name Sri Arulmighu Raajakaliamman Temple, Ramanathapuram District, seeks a writ of certiorari to call for the records pertaining to the notice under Section 128 of the Tamilnadu Local Bodies Act, 1998 (hereinafter referred to as 'Act') dated 27.01.2026 issued by the District Revenue Officer, Ramanathapuram and quash the same.



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2.The land, in which the petitioner's temple stands, is on the bund of a water body (Orruni) classified as Orruni Poramboke Road as per the revenue records. The Commissioner of Ramanathapuram Municipality, earlier issued a notice dated 29.11.2025 under section 128 of the Act for removal of encroachment within 7 days from the date of the receipt of the notice. The writ petitioner claiming that the temple is in existence even prior to his birth and he had put up the structure in the year 1991 at his expenses and maintaining it, challenged that notice in W.P.(MD)No.35551 of 2025 before this court. On considering the grounds of challenge, this court dismissed the said writ petition on 11.12.2025 with following observation:-

“3.This notice issued after being satisfied that the petitioner has encroached upon the public place. Seven days time was granted for removing the structure. If the petitioner has any reason to continue the possession, he should have made representation to the authorities. From the affidavit, we find that there is no such representation given by the petitioner and the seven days has already lapsed.”

3.It appears that the petitioner thereafter, had issued notice through his Advocate on 11.12.2025 citing the disposal of his writ



petition and his right to file an appeal or review against that order. He had requested the authorities to refrain themselves from taking any coercive steps before expiry of the appeal period. On 15.12.2025 he had made a representation to the Thasildar, Ramanathapuram seeking patta for the land under his encroachment, relying G.O.(Ms) No.205, Revenue and Disaster Management Department, dated 26.04.2025.

4.He has also made a representation to the Commissioner, Ramanathapuram, to desist from taking any action of removal, since he has sought for patta and his request is pending consideration. The representation of the petitioner was rejected for not furnishing the documents of title and building permission for the structure. Hence, the Second notice under Section 128 of the Act was issued on 30.12.2025 for removal of the structure put up on the encroached land. A legal notice on behalf of the residents of Rajamalayetu Street had been issued on 23.01.2026 not to take any action pending disposal of the request to grant patta. Under these circumstances, the third and final notice for eviction under Section 128 of the Act has been issued on 27.01.2026. The said notice is under challenge in this writ petition.



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5.The petitioner claims that the Temple is in existence from time immemorial and under worship by the public for several decades without any hindrance and disturbance. The petitioner is administering the Temple by conducting daily poojas and festivals. The Temple building is assessed to tax and also provided with electricity service. The impugned notice to remove the Temple alleging that it is an encroachment on the Municipality land, is issued without following the principles of natural justice. The notice suffers arbitrariness and violation of Articles 14, 25, 26 and 300-A of the Constitution of India. The representation submitted by the petitioner for grant of patta relying upon G.O.(Ms)No.205, Revenue and Disaster Management Department, dated 26.04.2025, is still pending under consideration.

6.Further, the Learned Counsel for the writ petitioner also claims that the disputed structure is protected under the Places of Worship (Special Provision) Act, 1991. Therefore, the authorities cannot proceed with the eviction process.

7.Per contra the Learned Additional Government Pleader submitted that the Temple structure has been constructed on the bund of



water body, which is used as pathway by the public. The construction has been put up without any permission. The service connection and tax assessment will not confer any right on the encroacher to seek patta for the water body bund, which is used as pathway by the public.

8.G.O.(Ms)No.205, dated 26.04.2025 relates to issuance of free house site patta by regularising the residential encroachments. This Government Order was issued as one time measurement for regularizing residential encroachments on unobjectionable Government Poramboke lands under the special Regularisation Scheme. Therefore, the Temple, which is on the objectionable Government land, will not cover under the Government Order relied by the writ petitioner.

9.The Learned Additional Government Pleader further submitted that the Places of Worship Act,1991 have no relevance to the case in hand. The Temple structure is put up encroaching upon the bund of a water body causing obstruction to the pathway. The writ petitioner despite notices and opportunity to show cause, without any right is making frivolous and self-contradictory claims to squat on the



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encroached land for his personal benefit. Reliance of the petitioner on the Government Order, exclusively meant for regularising residential encroachments and the Act meant for places of worship is a proof of self-contradictory plea made by the petitioner to obstruct the eviction process.

10. Heard the learned counsel on either side and perused the records.

11. This court on examination of the rival submissions and on perusal of the records is fully satisfied that the writ petitioner had encroached upon the land in dispute and had put up a Temple construction without permission. He claims that the Temple is in existence from time immemorial and the structure was built by him in the year 1991. Thus, being a non residential structure put up on the land of the Government, G.O.(Ms)No.205, dated 26.04.2025 is not applicable to his case. Further, no patta for the land on the water body obstructing pathway, can be granted by any authority. Therefore, even if any representation is made for grant of patta, the same is liable to be ignored.



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12.Likewise, the Places of Worship (Special Provisions) Act, 1991 is enacted to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship, as it existed on the 15th day of August, 1947, and for matters connected therewith or incidental thereto. Neither the intention of the legislation nor any provision in this Act gives protection to a structure put up on the Government Land by encroaching. Therefore, reliance on G.O.(Ms)No.205, dated 26.04.2025 and the Places of Worship (Special Provisions) Act, 1991 is only to mislead and does not carry any merit.

13.In the result, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[G.J., J.] & [K.K.R.K., J.]
06.02.2026

Index :Yes/No
Internet :Yes
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