



W.P(MD)No.4326 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.06.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.4326 of 2025
and
W.M.P(MD)Nos.3105 and 3106 of 2025

Chidambaram

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Endowment Department,
Tuticorin District.
2. The Assistant Commissioner,
Hindu Religious and Endowment Department,
Tenkasi District.
3. Arulmigu Kulasekaranathaswamy Thirukovil,
Rep by its Executive Officer,
Ilanji, Tenkasi Taluk,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned auction notice nil dated and nil proceedings issued by the 3rd respondent and quash the same as illegal in so far as Survey Nos. 649/1C, 6491A, 650, 648/2, 642/1A and 641/1A



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is concerned and consequently direct the respondents to recognize the petitioner rights and not to interfere the petitioner peaceful possession of the said properties and to follow due process of law and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner	: Mr.M.Jerwin Mathew
For R1 & R2	: Mr.P.Rajagopalan Government Standing Counsel
For R3	: Mr.M.Sarangan

ORDER

The present writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned auction notice nil dated and nil proceedings issued by the 3rd respondent and quash the same as illegal in so far as Survey Nos. 649/1C, 6491A, 650, 648/2, 642/1A and 641/1A is concerned and consequently direct the respondents to recognize the petitioner rights and not to interfere the petitioner peaceful possession of the said properties and to follow due process of law and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.”



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2. The case of the petitioner is that the aforesaid land belongs to Arulmigu Ilanji Kumarar Thirukovil and that the petitioner, being a cultivating tenant, is in possession and enjoyment of the same. While so, the impugned auction notice was issued, and the petitioner's possession was sought to be disturbed.

3. Pending the writ petition, an interim order was passed directing the petitioner to participate in the auction and stipulating that the result thereof would be subject to the final outcome of the writ petition. It was further made clear that no third-party rights should be created. Pursuant to the said order, the respondents proceeded with the auction and, as a matter of fact, confirmed the auction in favour of certain bidders. A portion of the lands said to be in the possession of the petitioner was also handed over to the successful auction purchasers. Aggrieved by the same, the petitioner filed a contempt petition in Cont.P.(MD).No.3142 of 2025.



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4. It is further contended on behalf of the temple that the Kattalaidharar had handed over the properties to the temple, as they were not in a position to perform the pious obligations mandated under the kattalai. Consequently, the temple has been administering the properties. It is now stated that the impugned auction notice has been withdrawn. It is further submitted that, in respect of the portions of the lands that had been handed over to third parties pursuant to the auction, steps are being taken to resolve the issue by recovering possession from them. After deducting the charges already payable and refunding the balance amount, possession will be resumed from the auction purchasers, and the entire property will thereafter be brought for re-auction.

5. The learned counsel for the petitioner would submit that, in such circumstances, the petitioner is willing to participate in the re-auction and that, thereafter, whoever emerges as the successful bidder may be put in possession as the lessee by the temple.



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6. In view thereof, this Court finds that there has been no wilful disobedience of the order dated 18.02.2025 passed in W.M.P.(MD).No. 3106 of 2025. However, the respondent authorities ought to have sought clarification from this Court rather than interpreting the order on their own. Accordingly, the contempt petition stands closed.

7. Since the impugned auction notice is stated to have been withdrawn by the temple and an undertaking has been given to conduct a fresh auction, and since the petitioner is also willing to participate whenever such auction notice is issued, recording the same, the writ petition stands closed.

8. In respect of the portion of the lands presently in the possession of the petitioner, he shall continue to remain in possession. If the temple is forced to recover possession of the said lands from the petitioner for any reason, they can also initiate appropriate proceedings under Sections 78 and 79 of the HR & CE Act, 1959.



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9. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

15.06.2026
(1/2)

Neutral Citation: No
rgm



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