



W.P.(MD).No.5647 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.5647 of 2026

and

W.M.P(MD).No.4701 of 2026

Vellaiammal

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai.
 2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai,
Tirunelveli District.
 3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai
Tirunelveli District.
 4. The Pillaiyan Arthasama Kattalai,
Represented through its Executive Officer,
Door No. 35, Sudalaimadan Kovil Street,
Tirunelveli Town and Taluk.
- ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in M.P.356/2025/A2 dated 25-11-2025, on the file of 2nd respondent and quash the same as null and void and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.D.Venkatachalam

For R1 to R4 : Mr.J.K.JeyaselanM.Sarangan
Government Advocate

For R4 : Mr.H.Arumugam

ORDER

The writ petition is filed for a certiorarified mandamus to call for the records in M.P.No.356/2025/A2 dated 25.11.2025, on the file of the 2nd respondent and quash the same.

2. Heard Mr.D.Venkatachalam, learned counsel for the petitioner, Mr.J.K.Jayaselan, learned Government Advocate, who takes notice for R1 to R3 and Mr.H.Arumugam, learned counsel, who takes notice for R4.



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3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

4. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the petitioner is a tenant and she should not be dispossessed while contesting the matter.

5. Per Contra, the learned Government Advocate appearing for the respondents 1 to 3 would submit that the petitioner is not a tenant but an encroacher and therefore, proceedings have been initiated against her.

6. Be that as it may, whether the petitioner is a tenant or an encroacher can be decided only after an enquiry. Therefore, it is open for the petitioner to contest the M.P and orders will be passed on its own merits and in accordance with law. Further, it is stated that the petitioner has filed a reply and enquiry will be conducted before final orders are passed. In the meanwhile, the apprehension of the petitioner that she will be dispossessed is without any basis as only after passing final orders of eviction, the eviction will be carried out if the order goes against the petitioner.



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7. In view of the fact that the impugned order is only a notice and petitioner is at liberty to approach the 2nd respondent, this Court is not inclined to set aside the impugned order dated 25.11.2025.

8. Accordingly, the writ petition is disposed of with liberty to the petitioner to raise all the grounds before the 2nd respondent in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

02.03.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
rgm



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