



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.03.2026

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**THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.6174 of 2026  
and  
W.M.P(MD)No.5182 & 5183 of 2026**

S.Palanivel Sankaran

... Petitioner

Vs.

- 1.The Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Chennai.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Thanjavur.
- 3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Thanjavur,  
Thanjavur District.
- 4.The Executive Officer,  
Arulmigu Neelakanda Pillaiyar Temple,  
Yanthal Village,  
Peravurani Town & Taluk,  
Thanjavur District.

...Respondents

Writ Petition is 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 dated 23.01.2026 passed by the second respondent in Miscellaneous Petition No.02 of 2023 u/s.78 of HR & CE Act, quash the same as illegal and consequently directing the respondents not to evict the petitioner without due process of law considering the pendency of suit in O.S.No.427 of 2025, on the file of the Sub-Court, Pattukottai, Thanjavur District.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | :Mr.B.Anandan                                   |
| For R1 to R3   | :Mr.M.Sarangan<br>Additional Government Pleader |
| For R4         | : Mr.V.Ramesh Mahadev                           |

### **ORDER**

The writ petition is filed challenging the order passed by the second respondent in Miscellaneous Petition No.02 of 2023 under Section 78 of the HR & CE Act as illegal and consequently, to direct the respondents not to evict the petitioner without due process of law considering the pendency of the suit in O.S.No.427 of 2025, on the file of the Sub Court, Pattukkottai, Thanjavur District.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the contention of the petitioner is that the petitioner has title over the property as the property has been declared to be a Natham property and the temple claim was rejected by the Settlement



Tahsildar. When the eviction notice was issued, the petitioner contested the same, however, the impugned order is passed ordering eviction of the petitioner. The petitioner has already filed a suit in O.S.No.427 of 2025 and the same is pending. Pending the same, the petitioner should not be evicted.

3. Per Contra, the learned Additional Government Pleader would submit that the suit itself is not a statutory suit. As far as the claim of the petitioner is concerned, the petitioner does not have any title to the property and the property belongs only to the temple. The petitioner has also filed a revision as against the impugned order and the same also stands rejected in view of the fact that the petitioner disputes title and he has already filed a suit.

4.The learned counsel for the temple would also submit that the temple is only the owner of the property and the petitioner has got no right whatsoever.

5. I have considered the rival submissions made on either side and perused the material records of the case.



6. If the petitioner contends that the revision petition is erroneously returned, then it is for the petitioner to represent the same and get a final orders in the revision petition. If the petitioner, on the other hand, has also chosen to dispute the title by filing the civil suit in O.S.No.427 of 2025 and the prayer is only to abide by the decision in O.S.No.427 of 2025. For the said purpose, it will be open to the petitioner to move an interlocutory application before the same Court, in which, the suit is pending and the jurisdiction under Article 226 of the Constitution of India cannot be exercised for granting interim order pending the suit. It is stated that already an interlocutory application has been filed and it is pending. Therefore, this writ petition is disposed of with a direction to the learned Subordinate Judge, Pattukkottai to dispose of the interlocutory application filed in O.S.No.427 of 2025, as expeditiously as possible. No costs. Needless to mention that the learned counsel for the Temple shall also cooperate for the enquiry in the injunction application, if any. Consequently, connected miscellaneous petitions are closed.

06.03.2026

NCC:Yes/No  
am



**To**

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- 3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Thanjavur,  
Thanjavur District.



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**D.BHARATHA CHAKRAVARTHY, J.**

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**06.03.2026**