



W.A(MD)No.688 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A(MD)No.688 of 2023

Sri Sundararajaperumal Devasthanam,
Paramakudi-623 707.
Rep by its Managing Trustee,
S.R.Rengachary,
S/o.S.K.Ramalingam,
Paramakudi-623 707.
Ramanathapuram District.

... Appellant /
Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Collectorate,
Ramanathapuram - 623 503.
- 2.The District Revenue Officer,
Ramanathapuram District,
Collectorate,
Ramanathapuram - 623 503.
- 3.The Sub Collector,
Ramanathapuram District,
Paramakudi – 623 707.



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4.The Assistant Director
cum P.A.to District Collector
(Land Survey),
Office of the District Survey,
Ramanathapuram - 623 503.

5.The Commissioner,
Paramakudi Municipality,
Paramakudi - 623 707.

6.The Tahsildar,
Paramakudi Taluk,
Paramakudi - 623 707.

7.S.R.Thangavelu

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 31.01.2023 passed in W.P(MD)No.15226 of 2018 on the file of this Court by allowing this Writ Appeal and to grant such other relief or reliefs that this Court may deem fit and proper in the circumstances of the case.

For Appellant : Ms.P.Jessi Jeeva Priya

For Respondents : Mr.T.Amjad Khan
Government Advocate
for R.1 to R.4 & R.6

Mr.K.Saravanan
Standing Counsel for R.5

Mr.D.Srinivasaraghavan
for R.7



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JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The appellant is Sri Sundararajaperumal Devasthanam, Paramakudi. Vide judgment and decree dated 30.04.1975 made in O.S.No.29 of 1974 on the file of Principal Sub Judge, Ramanathapuram at Madurai, the appellant temple had been declared to be a denominational temple belonging to the Saurashtra community of Paramakudi.

3.The appellant has filed a typed set of papers enclosing pattas for Survey Nos.68 and 187. It appears that when the appellant temple sought to put up a compound wall around its property comprised in Survey No. 187, objections were raised by people belonging to other communities. The District Revenue Officer, Ramanathapuram vide proceedings dated 30.04.2018, acting on the representation of one Thangavelu / the seventh respondent herein, restrained the appellant temple from putting up the compound wall. This was challenged by the appellant by filing W.P(MD)No.15226 of 2018. Pursuant to the order made on 13.07.2018



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in the said writ petition, the District Collector, Ramanathapuram took up the matter for enquiry. Vide proceedings dated 25.07.2018, the District Collector, Ramanathapuram, while upholding the appellant's title over Survey No.187, observed that if compound wall is allowed to be erected, it would come in the way of the other community members from exercising their right of worship during Chithirai festival. Hence, the appellant was restrained from putting up the compound wall.

4.Challenging the same, the appellant filed W.P(MD)No.17355 of 2018. Vide order dated 31.01.2023, the learned single Judge substantially sustained the contention of the appellant. The order dated 25.07.2018 passed by the District Collector, Ramanathapuram, was set aside. However, the following observation was made in paragraph 19:

“19.It is not disputed by the petitioners that raising a compound wall and other buildings is in interest for the benefit of their community. The Temple being declared as a denomination Temple does not entitle the Management of the Temple to utilize the property of the Temple for constructing building for the benefit of the members of their community. It is not also disputed by the petitioners that the Temple is being visited by members of other communities apart from the members of Sourashtra



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community and that the rituals are also being carried out by the members of other communities. When that being so, the Management of the Temple is not entitled to put up any building in a place which has been hitherto utilised by the members of other communities to carry out their rituals. If such action is permitted, it would definitely interfere with the custom and usage. The Temple may be a denomination Temple but definitely not the deity in the Temple. God is one and equal to any living being. God may be worshipped in different forms according to the belief of a particular individual who formed a society by themselves. A Temple could be built by a particular community but it does not disentitle the members of other communities from worshipping the deity in the Temple. Nor can the rituals adopted by other members of the community in that deity could be restricted. That apart, it is the case of the seventh respondent that during the Chitirai festivals rituals are also being made to the deity of Karupppansamy and such rituals are being carried out in the open space around the Temple. If entry of the general public is barred by raising a compound wall, it would definitely affect the custom and usage of the people belonging to other communities. Further considering the argument that the petitioners Temple had not approached the



Planning Authorities for put up a construction or a compound wall and also considering the fact that the same has not been disputed by the petitioners Temple either by way of producing any planning permission, I am of the view that the petitioners Temple would not be entitled to put up any construction as claimed by it.”

Aggrieved by the aforesaid observation that the appellant temple should not put up the compound wall, this Writ Appeal has been filed.

5.It is relevant to note that the survey exercise was undertaken. Copy of the survey report dated 28.12.2017 has been enclosed in the typed set of papers. It is seen therefrom that the surveyor has given a clean chit to the appellant temple. It was specifically observed that neither any Government poramboke land nor any water body had been encroached upon. It was further clarified that the construction was being carried on only in the appellant's patta land.

6.It is not in dispute that the appellant temple is a denominational temple. Article 26 of the Constitution of India grants fundamental right to all denominational institutions to manage their properties in the manner they deem fit. Of course, this is subject to the demands of public



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order. When the appellant's title over Survey No.187 is recognised and acknowledged, it ought not to be interfered with. The authorities have no right whatsoever to restrain the appellant temple from utilizing their property in the manner they deem fit. Such restraint would definitely breach the appellant's fundamental right. Therefore, in our view, the observations made in Paragraph 19 of the impugned order of the learned single Judge are not really warranted. They stand set aside. We further hold that the order impugned in the writ petition is also set aside in *toto*.

5.This Writ Appeal is allowed accordingly. No costs.

[G.R.S., J.] [R.P, J.]
27.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

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