BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.03.2026**

CORAM:

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No. 7604 of 2026
and
W.M.P.(MD) No.6236 of 2026

Sathiyaraj ... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Department
Chennai -34.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department
Sivagangai District - 630 561.

3. The Hereditary Trustee,
Arulmighu Muthu Mariamman Temple,
Thayamangalam Village,
Ilayankudi Taluk,
Sivagangai District.

4. M.Venkatesan Chettiar,
Hereditary Trustee,
Arulmighu Muthu Mariamman Temple,
Thayamangalam Village,
Ilayankudi Taluk,

Sivagangai District.

5. J.Sankareshwaran ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent 1 and 2 to conduct an enquiry as to the license to collect the rents from the traders of the lands belonging to the Arulmighu Muthumariamman Temple, Thayamangalam Village, Ilayankudi Taluk, Sivagangai District for the period from 01.01.2025 extending upto 30.04.2026 and to initiate action for recovery of the loss and mismanagement against the respondents 4 and 5 and also the criminal proceedings if necessary in consideration of the petitioners representation dated 07.03.2026.

For Petitioner	:	Mr.G.Prabhu Rajadurai for Mr. S.Selva Aditya
For R1 & R2	:	Mr.M.Sarangan Additional Government Pleader
For R3 & R4	:	Mr.R.Baskaran Senior Counsel for M/s.Bhuvana Hariharanathan
For R5	:	Mr.K.Jeyamohan

O R D E R

The writ petition is filed for a Mandamus directing respondents 1 and 2 to conduct an enquiry into the license to collect rents from traders of the lands belonging to the Arulmigu Muthumariyaman Temple, Tayamangalam village, Ilaiyankudi taluk, Sivagangai district, for the period from 01.01.2025 to 30.04.2026, and to initiate action for recovery of losses and mismanagement against respondents 4 and 5, including criminal proceedings if necessary, in light of the petitioner's representation dated 07.03.2026.

2. The learned counsel for the petitioner, after taking to Court through the material records, argues that the Arulmigu Muthumariyaman temple at Tayamangalam village is a popular temple visited by a large number of devotees, especially during the festival times. Every year, in the month of Panguni, a grand festival is held for about ten days. During that time, since many shops are set up on the temple land, the temple annually auctions the rights to assign space for these temporary shops and to collect rent from them, receiving a lump-sum bid amount from the licensee.

3. The learned counsel further submits that initially, the fifth respondent's father, who was the petitioner in an earlier writ petition in W.P.(MD) No.16211 of 2025, was the successful bidder for the period

from 01.01.2025 to 31.12.2025. However, the fifth respondent's father passed away on 25.06.2025, and although the licence fee was paid for the entire year.

4. It is further submitted that a writ petition was filed by the fifth respondent in W.P.(MD) No.33040 of 2025 on the ground that after the death of his father, the rights could not be exercised. By an order dated 21.11.2025, the writ petition was disposed of, directing the authorities to grant the benefit for the unexpired period of six months and seven days. The matter was taken up on appeal by the Hereditary Trustees in W.A.(MD) No.3194 of 2025. The Hon'ble Division Bench, by a judgment dated 10.12.2025, directed the trustees only to refund the amount of the fee for the unexploited period. The matter was further taken on appeal by the Hereditary Trustees, and by a judgment dated 02.02.2026 in S.L.P.(C) No.3774 of 2026, the Hon'ble Supreme Court of India modified the order of the Division Bench, directing the temple authorities to extend the period.

5. The learned counsel for the petitioner submits that throughout

the proceedings, both sides colluded and failed to inform the Court that the primary purpose of the license is solely for the temporary shops that appear during the Panguni festival. Once the festival concludes in Panguni, there is nothing further to exploit for the year. Afterwards, no shops remain. The rents for some of the permanent shops are directly collected by the temple. Therefore, this fact should have been brought to the notice of this Court and also to the attention of the Hon'ble Supreme Court of India.

6. It is further submitted that under the said circumstances, when the fifth respondent continues to exploit the current year as well, this would amount to almost granting a license for two years upon receiving the fee for only one year. This fact was not brought to the notice of this Court or the Hon'ble Supreme Court of India. The petitioner has, therefore, made a representation to inquire into the whole matter and to take further legal steps to hold accountable those who committed fraud. Since no action has been taken, the petitioner is before this court.

7. The learned Additional Government Pleader appearing on behalf

of respondents 1 and 2 submits that the Department has taken up the representation made by the petitioner and has called for a report from the Hereditary Trustees. Furthermore, a direction has also been issued to the Hereditary Trustees to file a clarification application before the Hon'ble Supreme Court of India.

8. The learned Senior Counsel appearing on behalf of the Hereditary Trustees submitted that, on the sole ground that undue extension should not be granted, the Hereditary Trustees filed an appeal before the Hon'ble Division Bench of this Court and also before the Hon'ble Supreme Court of India. When the Hon'ble Supreme Court of India rejected the case of the Hereditary Trustees and directed that an extension for the period of six months and seven days be granted, the lease period of the fifth respondent was extended up to 30.08.2026.

9. Accordingly, the festival is now scheduled to take place from 29.03.2026 to 08.04.2026. As of now, the learned Senior Counsel has no definite instructions regarding whether the Hereditary Trustees are filing any clarification petition before the Hon'ble Supreme Court of India.

10. The learned counsel representing the fifth respondent argues that it is factually incorrect to claim that exploitation occurs only during the ten days of the festival, especially since the petitioner pays the license fee throughout the year. The petitioner is authorised to exploit the license. In reality, numerous shops operate during the festival, and even after the festival ends, some temporary shops remain, from which the petitioner collects rent throughout the year. Therefore, the petition's very foundation is also factually wrong. Furthermore, once the rights have been established by the order of the Hon'ble Supreme Court of India, they cannot be re-argued indirectly in this writ petition.

11. In reply, the learned counsel representing the petitioner argues that if such is the plea made by the petitioner, then his claim before this Court that the rest of the period was not at all exploited must be incorrect if they collected rent throughout the year. Then, if the petitioner did not collect rent from the shops, which still exist beyond the festival, it must be determined whether the temple collected the rent or if the petitioner himself collected the rent for the remaining period.

12. I have examined the rival submissions from both sides and reviewed the case's material records.

13. Firstly, with reference to the lease period that is extended up to 30.08.2026 pursuant to the order of the Hon'ble Supreme Court of India, the same cannot be argued by the parties before this Court. Even if any factual pleading has to be made regarding the extension of time, it must be made only before the Hon'ble Supreme Court of India. The HR&CE Department rightly requested the Hereditary Trustees to file such a clarification petition before the Hon'ble Supreme Court of India, and it is for the Hereditary Trustees to decide on that.

14. Further, it can be seen that the contention of the petitioner is that there are only two types of shops, namely, permanent and temporary shops. Regarding the permanent shop, the rent is collected directly by the temple. Concerning the temporary shops established on licensed land, the rent is collected by the licensee. He claims that, in addition to the permanent shop, some temporary shops, such as fancy stores and other

shops catering to the needs of devotees, supplying items offered to the deity, are present throughout the year, and he is also collecting rent from them.

15. There is also concern about the total rent being collected by the licensee. The rights of the fifth respondent are valid until 30.08.2026; they cannot be interfered with. However, outside the current rights, the second respondent, namely the Joint Commissioner of the HR & CE Department, Sivagangai, should conduct an enquiry regarding the affairs related to the Temple in question. The enquiry should address whether the shops operate only during festivals or throughout the year, and the approximate income generated by the licensee, as all these factors are relevant to fixing the upset price of the license for the coming years.

16. The second respondent shall consider the petitioner's representation dated 07.03.2026 and conduct and enquiry regarding the matters specified hereinafter:

16.1. The second respondent shall issue notices to the petitioner, the fifth respondent, the Hereditary Trustees, and any other parties who may have an interest in the matter, including the petitioner from the previous round.

16.2. Then, the second respondent shall conduct an enquiry to determine whether the temporary shops only appear during the festival and completely disappear afterwards, or if some shops remain throughout the year.

16.3. If some shops existed year-round, including last year, from 01.01.2024 to 31.12.2025, the enquiry should identify where these shops are located. That is, whether temporary shop(s) also existed on the land after the petitioner’s father's death, and, if so, who collected the rent for those shops.

16.4. Whether some permanent shops also exists. If so in which land and whether the temple is also collecting rents from these permanent shops or the licensee.

16.5. The rent amount should be calculated based on a survey conducted during the current festival, so the appropriate amount can be determined for fixing the upset price for future years.

16.6. Then, based on inquiry and without any restriction on the rights of the petitioner as granted by the Hon'ble Supreme Court of India, if any other action needs to be taken in accordance with the law, it shall be done by the second respondent.

16.7. The exercise shall commence within one (1) week from the date of receipt of the web copy of the order, without waiting for the certified copy, and shall continue during the upcoming festival and after the festival.

16.8. Due orders in writing be passed about the outcome of the enquiry and copies thereof shall be served on all parties.

16.9. Let the entire exercise be completed on or before

30.04.2026. During the enquiry, the parties are free to suggest any additional conditions that may be imposed during the tender, such as the maintenance of receipt books. The same shall also be considered by the second respondent.

17. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

NCC : Yes/No **18.03.2026**
apd

To
1. The Commissioner,
Hindu Religious and Charitable Endowment Department
Chennai -34.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department
Sivagangai District - 630 561.

D.BHARATHA CHAKRAVARTHY.,J.

apd

ORDER MADE IN

W.P(MD)No. 7604 of 2026

18.03.2026