



W.P(MD)No.8238 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.8238 of 2026
and
W.M.P(MD)No.6732 of 2026**

C.Neduncheliyan

... Petitioner

vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai Collector Office Campus,
Madurai.

3.The Tahsildar,
Taluk Office,
Vadipatti Taluk,
Madurai District.

4.Suresh Kannan



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WEB COURT 5. Nithiyakalyani

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to remove the encroachment made by the fourth and fifth respondents and their men in land comprised in Survey No. 301/28 (Old survey No.245) classified as Government Poromboke, which is used as Common Manthai in Nerathan Village, T.Vadippatti Taluk, Madurai District.

For Petitioner : Mr.V.S.Kumara Guru

For Respondents : Mr.D.Sasikumar (R1 to R3)
Additional Government Pleader

: Mr.S.Vellaichamy (R4 & R5)

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner has filed the present Writ Petition seeking a direction to respondents 1 to 3 to remove the encroachment made by respondents 4 and 5 and their men in the land comprised in Survey No. 301/28 (Old Survey No.245), classified as Government Poromboke, which is



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being used as a Common Manthai in Nerathan Village, T. Vadippatti Taluk, Madurai District.

2.The petitioner contends that the subject property, being classified as Government Poromboke, has from time immemorial been utilized by the entire village community for common purposes such as temple festivals, Pongal celebrations, and other cultural and religious activities without any discrimination. The village comprises more than 3000 residents belonging to various communities who have been living in harmony. The temples, namely Arulmigu Durgai Amman Temple and Arulmigu Aathi Ajyanar Temple, are public temples administered by the Hindu Religious and Charitable Endowments Department, and no individual or group has any exclusive right over the temples or the lands appurtenant thereto.

3.It is alleged that the respondents 4 and 5, along with their supporters, have unlawfully asserted exclusive rights over the temple and the



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Grama Manthai land on communal grounds, thereby disturbing communal harmony. They are stated to have obstructed temple festivals, created law and order issues, and failed to abide by the decisions taken in peace committee meetings convened pursuant to earlier directions of this Court. Despite prior writ petitions and directions issued by this Court to ensure the peaceful conduct of temple festivals, the said respondents have allegedly continued their unlawful activities.

4.The petitioner further submits that the respondents 4 and 5 have encroached upon portions of the Grama Manthai land by putting up unauthorized structures, fencing pathways, and restricting access to the general public. It is also alleged that they are attempting to convert the common land into a private temple, thereby depriving the villagers of their customary and lawful rights.

5.It is stated that a representation dated 02.02.2026 was submitted to the official respondents seeking removal of the encroachments.



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Though an inspection was conducted and initial directions were issued to stop the illegal construction, no effective action has been taken thereafter, and the encroachment continues. The petitioner contends that such inaction on the part of the official respondents is arbitrary, illegal, and violative of the fundamental rights of the villagers, particularly their right to access and use common property. Hence, the present Public Interest Litigation has been filed seeking appropriate directions for removal of encroachments and protection of the Grama Manthai land from further illegal occupation.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.Upon perusal of the affidavit filed in support of the Writ Petition and the submissions made, it appears that there exists a dispute between two communities with regard to the right of worship in the temple. It is not in dispute that the temple is already in existence on the subject property. It is further brought to the notice of this Court that the fourth



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respondent has filed W.P.(MD) No.12789 of 2025 seeking issuance of patta in respect of the said property. By order dated 29.04.2025, this Court directed the Revenue Divisional Officer to conduct an enquiry. Pursuant thereto, an enquiry has been conducted and orders are stated to be pending. In view of the above, this Court is not inclined to issue any further directions in the present Writ Petition. It is for the competent authorities to proceed in accordance with the directions already issued by this Court in W.P.(MD) No. 12789 of 2025 and pass appropriate orders. Insofar as the grievance relating to the right of worship is concerned, it is open to the petitioner to work out his remedies in the manner known to law, in the event of any denial of such right.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
27.03.2026

NCC : Yes / No
Index : Yes / No



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To

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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

ps

ORDER MADE IN
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DATED : 27.03.2026