



WEB COPY

W.P(MD)No.9591 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.04.2026

CORAM

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

W.P(MD)No.9591 of 2026

V.Lakshmanaperumal

... Petitioner

Vs.

1.The Joint Commissioner,
The Joint Commissioner Office,
HR&CE Department,
Thoothukudi District.

2.The Assistant Commissioner,
The Assistant Commissioner Office,
HR&CE Department,
Thoothukudi District.

...Respondents

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioners representation dated 02.02.2026 and forbear the respondents from interfering with the administration and construction / renovation of petitioner's ancestral Varadaraja Perumal Temple situated at Aavalnatham Village, Kovilpatti Taluk, Thoothukudi District.

For Petitioner :Mr.S.Mamitha

For Respondent :Mr.M.Sarangan
Additional Government Pleader



ORDER

This Writ Petition is filed for a mandamus directing the respondents to consider the petitioner's representation dated 02.02.2026 and forbearing the respondents from interfering with the administration and construction / renovation of petitioner's ancestral Varadaraja Perumal Temple situated at Aavalnatham Village, Kovilpatti Taluk, Thoothukudi District

2.Upon hearing the learned counsel for the petitioner, it is the case of the petitioner that the temple was put up by his ancestors and as such, it is the private temple and now renovation work is being carried on by him and as such, the respondent should not interfere with the construction and the other activities and permit the petitioner to peacefully carry on the said work.

3.Per Contra, the learned Additional Government Pleader appearing on behalf of the respondents would submit that as on date, there is no declaration that it is a private temple.

4.It is contented by the learned counsel appearing on behalf of the department that earlier when the suit in O.SNo.20 of 1989 is filed and



decree was granted, it was filed between private individuals in a collusive manner and will not bind the department.

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5.On the other hand, the Governments Arukala Pooja scheme is being implemented in the said temple from the year 1970 onwards. As such, the temple is a public temple. Even for the renovation work due application has to be made by the petitioner and permission has to be granted by the authorities. For the renovation of the temple, application has to be made before the State Level and the District Level Committees and the permissions are now granted only in accordance to the expert committee report, and only thereafter the renovation can be carried on.

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

7.If the petitioner wants to contend that the temple is a private temple, the law is now settled that unless there is a declaration by a competent civil Court, presumption is that the temple is a public temple. On the other hand, it is also stated that right from the year 1970, even Arukala Pooja scheme of the department is being implemented in the temple. Therefore, if the petitioner wants to contend that it is a private temple and the department



should not interfere with its affairs, it will be open for the petitioner to approach the competent civil Court and pray for any such interim order also.

As far as the Thirupani is concerned as on date, it is stated that it is being conducted as per the due permission of the State Level Expert committee. If the department is going for any collection of any donations from the public, a Thirupani Kuzhu shall be appointed. Preference shall also be given to the petitioner also to be part of the Thirupani Kuzhu, if the petitioner wants to accept that the temple is a public temple. If the petitioner wants to claim hereditary trusteeship, it will also be open for the petitioner to file appropriate application under the Act to recognize himself as the hereditary trustee. As and when such application is filed under section 63 / 54 of the Act, the same shall be considered by the Joint Commissioner in accordance with law.

8.Keeping open the aforesaid liberties to the petitioner, the prayer made in the writ petition as such cannot be countenanced and the Writ Petition is disposed of. No costs.

08.04.2026

NCC:Yes/No



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To

- 1.The Joint Commissioner,
The Joint Commissioner Office,
HR&CE Department,
Thoothukudi District.
- 2.The Assistant Commissioner,
The Assistant Commissioner Office,
HR&CE Department,
Thoothukudi District.



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D.BHARATHA CHAKRAVARTHY, J.

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