



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.06.2026

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

**W.P(MD)No.15663 of 2026
and
W.M.P(MD)Nos.11750 and 11753 of 2026**

R.Saravanan

... Petitioner(s)

- Vs. -

1.The Commissioner Hindu Religious and
Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur.

4.The Executive Officer,
Sri Balusubramaniya Temple,
Kathapparai Village,
Vennamalai Post, Karur Taluk,
Karur District.

... Respondent(s)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari to call for the



records in connection with the eviction order passed by the 3rd respondent in his proceedings Na.Ka.No.1025-1/2020/A2 dated 21.05.2026 and quash the same and to pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner :M/s.M.Anbarasi
For R1 to R3 :Mr.S.Vashik Ali
Government Standing Counsel
For R4 :Mr.P.Aathimoolapandian
Standing Counsel

ORDER

This writ petition is filed challenging the impugned proceedings dated 21.05.2026.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that the petitioner is the owner of the property, in which, the petitioner has put up a dwelling house and two commercial shops and he is in possession and enjoyment of the same. However, by wrongly claiming title to the property, the temple initiated proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 and passed an order of eviction.

3.Be that as it may, the petitioner has already filed a suit in O.S.NO. 2176 of 2025 on the file of the. District Munsif, Karur, to declare that the



property belongs to the petitioner and for consequential reliefs. The petitioner had also prayed for an interim injunction in I.A.No.176 of 2025, the same came to be dismissed. Aggrieved by the same, the petitioner has already filed CMA.No.9 of 2026 which is now pending before the learned District Judge Karur. Pending disposal of the same, now the respondents are taking steps to evict the petitioner and the petitioner is dwelling in the said place and therefore, the petitioner has filed the present writ petition challenging the said proceedings.

4.Per Contra, the learned counsel appearing on behalf of the respondent 1 to 3 would submit that the order under Section 78 of the Act, is not put to challenge and the same is passed in the year 2023 itself and the same has become final. The impugned order is only an Internal communication.

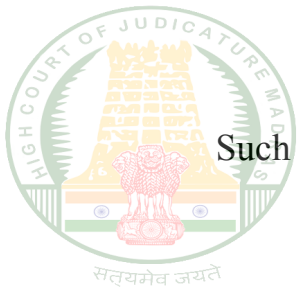
5.The learned counsel appearing on behalf of the Temple would also reiterate the same and would also further contend that when the inter-communication is made between the officials for preparing to take possession, the writ petition is filed. The possession is also taken pursuant to the directions of this Court and already a contempt application in Cont.P(MD)No.37371 of 2024 is also pending. The learned counsel



would place a strong reliance on the order passed by this Court in writ petition ***W.P(MD)No.27161 of 2025(K.Sagunthala Vs. The Commissioner, HR&CE, Nungambakkam High Road, Chennai-600 034)***, which is passed in respect of the very same temple with reference to one of the adjacent persons whose claiming similar title.

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

7.When the petitioner has not challenged the final order passed under Section 78 of the Act, the writ petition against the consequential proceedings to give effect to the order cannot be entertained and the prayer made by the petitioner cannot be maintained. Two options are open to the petitioner. The petitioner can either challenge the title of the temple and continue the suit or accept the title of the temple, in which the temple and its authorities can be directed to consider the request of the petitioner also to become the Tenant under the temple by executing gift deed of the superstructure in favour of the temple and by fixing a fair rent to be collected. However, the petitioner wants the best of the both. The petitioner wants to continue the suit claiming the title at the same time does not want the eviction order to be given effect to by admitting to pay the monthly rent.



Such a course cannot be permitted.

8.The learned counsel would rely upon the judgment of this Court in Sagunthala case(cited supra), where similar relief has been granted to one of the similarly situated persons. Though the said order does not specifically lay down or consider the question that are discussed above and answer the same in any manner, considering the fact that relief has been granted to one of the encroachers, who also claims title and who was also similarly filed a suit, I am of the view that this writ petition can be disposed of on the following terms :

(i)The CMA No.9 of 2026 pending on the file of the learned District Judge Karur is requested to dispose of at an early date, as expeditiously as possible, in any event, not later than three months from the date of receipt of the web copy of this Order, without waiting for the certified copy of the Order.

(ii)The learned counsel appearing on behalf of the Temple can produce the web copy of the Order before the concerned Court, along with the memo.

(iii)The rights of the parties shall be determined by the order of the learned District Judge once the CMA is disposed of. Until then, as per the similar order that is granted in the earlier writ petition, the petitioner will pay a some of Rs.6,000/- per month as the monthly rent in respect of the two



shops and the residential portion put together.

(iv)The petitioner shall keep on paying Rs.6,000/- as the monthly rent starting from the month of June 2026 until the disposal of the CMA, and the authorities shall await the orders in the CMA for giving effect to the orders of eviction. For default on payment of rent, the authorities will be entitled to proceed further.

(v)No costs. Consequently, connected miscellaneous petitions are closed.

10.06.2026

NCC:Yes/No

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To

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W.P(MD)No.15663 of 2



D.BHARATHA CHAKRAVARTHY, J.

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