



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.06.2026

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THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

**W.P(MD)No.16393 of 2026
and
W.M.P(MD)No.12233 of 2026**

1.R.Esakkiammal @ Sankari
2.Muthulakshmi
3.M.Viji

... Petitioners

Vs

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Tirunelveli District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Thoothukudi.

3.A/M. Subramaniaswami Temple,
Through its Executive Officer,
Thiruchendur,
Thoothukudi District.

... Respondent

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned proceedings in M.P.No.214/2026/A2, dated 08.04.2026 on the file of the first respondent and to quash the same as arbitrary and illegal.



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For Petitioner : Mr.S.Packiya Muthu

For Respondents : Mr.R.Parthiban
Government Standing Counsel for R1 & R2

Mr.M.Muthugeethayan for R3

ORDER

The writ petition is filed challenging the impugned proceedings in M.P.No.214/2026/A2, dated 08.04.2026.

2. Upon perusal thereof, it is seen that an application has been filed by the Jurisdictional Officer before the Joint Commissioner for passing orders of eviction under Sections 78/79 of the Hindu Religious and Charitable Endowments Act, 1959. Notice has been issued to the petitioners for hearing.

2. The learned counsel for the petitioners would submit that the petitioners are not encroachers but cultivating tenants. The petitioners were regular in paying the rent. With reference to certain earlier years, there was no income at all, as losses were incurred due to natural calamities, and with reference thereto, on behalf of the association, a suit has already been filed and is pending. Therefore, the respondents are not justified in proceeding



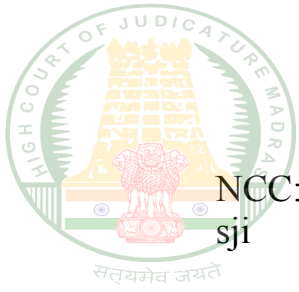
against the petitioners.

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3. I have considered the said submissions made by the learned counsel for the petitioners. I have also heard the learned Government Standing Counsel appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent temple.

4. The impugned proceedings are nothing but a notice of hearing in the miscellaneous petition filed against the petitioners. If the petitioners claim that they cannot be termed as encroachers or that they are not in arrears, everything can be pleaded by way of a counter, and appropriate evidence can be adduced. The very filing of the petition or issuance of notice itself cannot be challenged by the petitioners. Therefore, giving liberty to the petitioners to raise all the grounds before the respondents, the writ petition is not entertained. It is also further observed that, if the petitioners want to clear all the arrears of rent and apply for regularization of the tenancy once again, there will also be free to approach the temple, and the same can also be considered by the temple.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.



NCC:Yes/No
sj1

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W.P(MD)No.16393 of 2



17.06.2026

D.BHARATHA CHAKRAVARTHY, J.

sj1

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Tirunelveli District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Thoothukudi.

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