



W.P.(MD) No.18361 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.18361 of 2026

and

W.M.P.(MD)Nos.13596 & 13597 of 2026

K.Sivakumar

... Petitioner

Vs.

1.The Thasildar,
Taluk Office,
Kumbakonam Taluk,
Thanjavur District.

2.The Town Surveyor,
Kumbakonam Town,
Thanjavur District.

3.The Executive Officer,
Arulmighu Santhana Gopala Krishna Swamy Temple,
Kumbakonam, Thanjavur District.

4.Arulmighu Santhana Gopala Krishna Swamy Temple,
Represented by its Chairman of Trust Board,
Kumbakonam, Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice dated 25.06.2026 issued by the third respondent and quash the same as illegal.



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For Petitioner : Mr.AN.Ramanathan
For R1 and R2 : Mr.S.Venkatesh
Government Standing Counsel

ORDER

The petitioner is before this Court for the third time. Earlier, the petitioner had challenged the order dated 20.05.2025 passed by the third respondent herein. By an order dated 26.06.2025 in W.P.(MD) No.17365 of 2025, this Court passed the following order:

"4. Considering the above, there shall be a direction to the 2nd respondent to have the land surveyed with the help of 3rd respondent and thereafter, take steps to implement the order, in case the petitioner has encroached into the waterbody of the Temple in Survey No.1476 in Kumbakonam Town. The 3rd respondent is directed to assist the 2nd respondent. Since the survey is proposed to be conducted pursuant to this order, it is made clear that the entire extent in the stretch of land bordering with the respective private property shall be surveyed after issuing notice to the petitioner and the owners of the private property.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed."

2. Pursuant to the aforesaid order, the third respondent herein issued a final notice to the petitioner on 11.02.2026. Aggrieved by the same, the petitioner filed W.P.(MD) No.5125 of 2026. This Court, by order dated



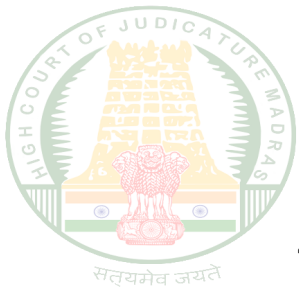
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25.02.2026, after considering the submissions of the learned counsel for the petitioner, the learned Special Government Pleader appearing for the official respondents, and the learned Standing Counsel appearing for the third respondent, passed the following order:

"7.The issue in the present case pertains to T.S.No.1476. There is no dispute on the aspect that the said survey number is a water body of the temple. This Court vide order dated 26.06.2025, directed the second respondent to measure the properties after giving due notice to the concerned parties. It appears that the respondent issued two notices but there was no response received from the petitioner and no one appeared. Third notice was issued to the petitioner and the petitioner was present at the time of survey and has signed. Such being the case, this Court does not find fault on the part of the official respondents in measuring the property by virtue of the order of this Court dated 26.06.2025 and issuance of the impugned notice.

8.Therefore, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."

3. Since the earlier order has attained finality, the impugned notice has been issued by the third respondent informing the petitioner that the encroachments made by him would be removed with the assistance of the Police.



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4. The case of the petitioner is that he has already filed a writ appeal against the order dated 25.02.2026 passed by this Court in W.P.(MD) No. 5125 of 2026 and that the same is yet to be numbered. It is further submitted that the third respondent has no jurisdiction to remove the encroachments.

5. Having considered the submissions made by the learned counsel for the petitioner and the objections raised by the respondents, I am of the view that the petitioner has not made out any case warranting interference. The impugned notice has been issued in pursuance of the order passed by this Court on 25.02.2026 in W.P.(MD) No.5125 of 2026, the relevant portion of which has been extracted above. If the petitioner is aggrieved by the said order, the appropriate course open to him is to approach the writ appellate Court.

6. However, considering the fact that the impugned notice dated 25.06.2026 proposes the removal of the construction put up and the encroachments made by the petitioner, this Court is inclined to grant the petitioner a temporary reprieve for a period of 15 days from the date of receipt of a copy of this order. Accordingly, the respondents shall keep



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further proceedings pursuant to the impugned notice in abeyance for the said period. It is open to the petitioner to approach the Division Bench and obtain appropriate interim orders, if so advised, against the order dated 25.02.2026 passed in W.P.(MD) No.5125 of 2026.

7. With the above observations, this writ petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

NCC : Yes / No
smn2

29.06.2026

To

- 1.The Thasildar,
Taluk Office,
Kumbakonam Taluk,
Thanjavur District.
- 2.The Town Surveyor,
Kumbakonam Town,
Thanjavur District.
- 3.The Executive Officer,
Arulmighu Santhana Gopala Krishna Swamy Temple,
Kumbakonam, Thanjavur District.
- 4.The Chairman of Trust Board,
Arulmighu Santhana Gopala Krishna Swamy Temple,
Kumbakonam, Thanjavur District.



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C.SARAVANAN, J.

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