



W.P.(MD)No.17868 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.03.2026

CORAM:

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

W.P.(MD)No.17868 of 2014

Tamil Nadu Rights to Information Act,
Protection Movement,
Regn. No.56/2010,
Rep. by its President,
T. Thangaraj, S/o.S.Thanga Muthu Nadar,
No. 1/58-2, North Kundal,
Upstairs, Kanyakumari.

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagercoil.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Chennai.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Palayamkottai - Trivandrum Road,
Tirunelveli - 7.
4. The Joint Commissioner /
Executive Officer,



W.P.(MD)No.17868 of 2014

Kanyakumari District Temples,
(Incorporated and Unincorporated),
Suchindram.

5. The Manager,
Arulmighu Bagavathi Amman Thirukovil,
Kanyakumari District – 629 702.
 6. The Chairman,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari District– 629 702.
 7. Executive Officer,
Kanyakumari Special Grade Town
Panchayat, Kanyakumari-629 702.
 8. Arul Mighu Bagavathi Amman
Siru Viyaparihal Nala Sangam,
Regn.No.17/99,
Rep. by its President,
R.Selvasivalingam, S/o.Rajamani,
Thiru Kovil Valagam, Kanyakumari Post, District
- (R8 is Impleaded Vide Court Order dated 07/09/15
in M.P.(MD)No.1/15)
9. M.Murugan
 10. E.Ramachandran
 11. P.Rajan
 12. E.Muthu
 13. T.Selvakumar
 14. V.Rajagopal
 15. T.Saravanan



W.P.(MD)No.17868 of 2014

16. K.Murugan

17. M.Saravanan

18. P.Ganesan

19. S.Sivakumar

20. K.Manikandan

21. V.Murugan

22. T.Muthulingam

23. M.Suresh

... Respondents

(R9 to R23 are impleaded vide Court order dated 29.09.2016 in M.P.(MD)No.2/15)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents, from in any manner converting the lands bearing Survey Nos. 679/1 and 679/2 or any other lands in Kanyakumari Village and District, belonging to the respondents 4 and 5 temple from using those lands either by granting lease or otherwise, for any commercial purpose of any nature by permitting the lessees to put up temporary constructions or to use those lands, for any petty trading, either on the floor or on any cycle or cart or by other means, so as to destroy the environmental conditions of Kanyakumari, more particularly in Thiruvani Sangamam and the Shores and Beaches abutting Bay of Bengal, Indian Ocean and Arabian Sea, so as to enable the respondents 1, 6 and 7 to maintain Kanyakumari with all the environmental advantageous, within a time frame as may be fixed by this Court.



WEB COPY



W.P.(MD)No.17868 of 2014

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.J.Ashok,
Addl. Govt. Pleader for R1 to R3
Mr.K.Sathiya Singh for R4
Mr.H.Arumugam,
Standing counsel for R6
Mr.S.Aayiram K.Selvakumar for R7
Mr.T.Lajapathi Roy, Senior Counsel
for M/s.Lajapathi Roy Associates for R8
Mr.S.Sivanesan for R9 to R23

ORDER

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

This Writ Petition has been filed seeking a direction to forbear the respondents from in any manner converting the lands bearing Survey Nos. 679/1 and 679/2 or any other lands in Kanyakumari Village and District, belonging to the respondents 4 and 5 temple from using those lands either by granting lease or otherwise, for any commercial purpose of any nature by permitting the lessees to put up temporary constructions or to use those lands, for any petty trading, either on the floor or on any cycle or cart or by other means, so as to destroy the environmental conditions of Kanyakumari, more particularly in Thiruveni Sangamam and the Shores and Beaches abutting Bay of Bengal, Indian Ocean and



W.P.(MD)No.17868 of 2014

Arabian Sea, so as to enable the respondents 1, 6 and 7 to maintain Kanyakumari with all the environmental advantageous, within a time frame as may be fixed by this Court.

2. We have perused the photographs and the Advocate Commissioner's report filed in the year 2019.

3. Though certain suggestions have been made to remove the encroachment, it is submitted by the learned Additional Advocate General that the encroachments have already been removed and that, at 'Thiruveni Sangamam', only legal tenants are permitted and all other encroachments have been removed.

4. The photographs submitted by the petitioner at pages 68 and 69 clearly indicate that, except for the commercial shop permitted by the temple, all other encroachments have been removed. The sketch filed before this Court further shows that certain regulations have been made following repeated orders passed by this Court. Therefore, we are of the view that once tenants have been inducted legally, their rights shall be determined in accordance with law, and they cannot be construed as



W.P.(MD)No.17868 of 2014

encroachers. At any event, if the lease period expires, any additions made by the existing tenants whether permanent or temporary shall not be permitted and must be removed immediately. The area shall be kept clean and no further encroachments shall be allowed at any point in time

5. Further, the relief sought in the writ petition amounts to an omnibus direction, seeking to restrain the authorities from granting any license. Such an omnibus direction cannot be granted. As long as the authorities follow the prescribed legal procedure, their right to lease out the properties cannot be curtailed by way of mandamus.

6. However, liberty is granted to the petitioner to approach this Court in the event of any further encroachment or if any shop is permitted by the authorities beyond the existing ones. Only the existing structures, as shown in the photographs at pages 68 and 69, shall be continued.

7. It is also noted that once the lease period expires, the fair rent has to be fixed annually in accordance with Government regulations. In the event of non-payment of fair rent or arrears, the lessee shall be



W.P.(MD)No.17868 of 2014

evicted summarily, following due procedure under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. It is also made clear that a large number of tourists visit the Thiruvani Sangamam, and if any inconvenience is caused to the tourists or the public, the temple authorities may take a decision to make alternative arrangements, including allotting the shop at some other location.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
26.03.2026

Index :Yes/No
NCC :Yes/No

vsm



W.P.(MD)No.17868 of 2014

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

vsm

To

1. The District Collector,
Kanyakumari District, Nagercoil.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Chennai.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Palayamkottai - Trivandrum Road,
Tirunelveli - 7.
4. The Joint Commissioner /
Executive Officer,
Kanyakumari District Temples,
(Incorporated and Unincorporated),
Suchindram.
5. Executive Officer,
Kanyakumari Special Grade Town
Panchayat, Kanyakumari-629 702.

W.P.(MD)No.17868 of 2014

26.03.2026