



WP.(MD)No.24099 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2026**

CORAM:

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

W.P.(MD)No.24099 of 2025
and
W.M.P.(MD)No.18906 of 2025

N.Thangammal

... Petitioner

Vs.

1.The Executive Officer/Joint Commissioner,
Arulmighu Dhandayuthapaniswamy Temple,
Palani, Dindigul District.

2.The District Revenue Officer,
Dindigul District.

... Respondents

(R2 is *suo motu* impleaded vide order dated 04.09.2025 in WP.(MD)No. 24099 of 2025)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order in Na.Ka.No.6654/2024/C1 dated 30.08.2025 on the file of the respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.A.K.Sriram,
Senior Counsel,
for Mr.R.Bharanidharan



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For R2

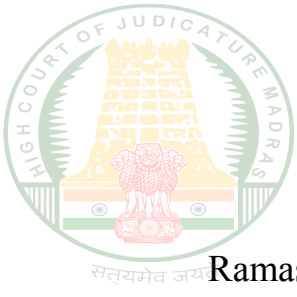
: Mr.S.Venkatesh,
Counsel for State

ORDER

(Order of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed by the Joint Commissioner, Arulmighu Dhandayuthapaniswamy Temple, Palani, in Na.Ka.No. 6654/2024/C1 dated 30.08.2025.

2.(a).It is the case of the writ petitioner that the property in T.S.No.863 measuring to an extent of 1772 sq.ft at Block No.20, Ward No.3, Adivaram, Palani Town belongs to the petitioner. The said property is comprised of four shops and running these shops for the past several decades from the year 1955. Previously, the shops were ran by the father-in-law's brother, one Palaniyappa Pandaram. In the year 2014, she settled the shops in the names of her two children. Originally, the above said property belonged to Muthu Irulappa Pillai, who purchased the same in the year 1896. Thereafter, his legal heirs sold the property to one Ramasamy Iyer. The premises was in the possession of one Palaniyappan Pandaram and her husband Narayana Pillai. Legal heirs of



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Ramasamy Iyer filed a suit in O.S.No.35 of 1964 for recovery of possession and the same was dismissed on 08.09.1971. Aggrieved over the same, they preferred appeal in A.S.No.57 of 1973 and the same was dismissed by a judgment dated 06.02.1978. They have preferred letters patent appeal in LPA.No.55 of 1983 and when the matter was pending before the Division Bench of this Court, a compromise was arrived at and thereby the plaintiffs therein executed a deed of release dated 21.09.1993 in favour of the writ petitioner and the same was accepted by the Court by its judgment dated 11.03.1994. Her name was entered as pattadhar in the records of the Municipality.

2.(b).In the year 2006, the shops were rebuilt after obtaining approval from the Municipality. The respondent temple filed a suit in O.S.No.275 of 1977 against her husband as if he encroached into the adjacent properties bearing T.S.No.862 & 864. In the said suit, it was held that her husband was entitled to T.S.No.863. In the year 2021, certain persons claiming themselves as Kongu Velalar Trust made an application to the Revenue Divisional Officer, Palani for transfer of patta in their name. The Revenue Divisional Officer, by an erroneous order dated 13.02.2021 deleted her name from patta and entered the name as



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Pal Kavadi Madam. Aggrieved over the same, she preferred a revision before the District Revenue Officer, Dindigul and the same is pending. The officials of the respondent Temple with revenue officials sealed the premises of the petitioner, on 01.08.2024 and she challenged the same in WP.(MD)No.1984 of 2024 and the same was dismissed by this Court on 20.09.2024. She preferred review petition in Rev.Aplw.(MD)No.67 of 2025 and this Court by an order dated 11.08.2025 allowed the review application. In pursuance thereto, de-sealed the premises on 29.08.2025. Thereafter, the impugned notice dated 30.08.2025 came to issued to stop the commercial activities in her premises.

3.The learned counsel appearing for the petitioner would submit that the first respondent has no jurisdiction to issue any such impugned notice in respect of the premises which does not belong to the first respondent temple. The premises belongs to the petitioner and at best a claim is made by Kongu Velalar Trust and the first respondent has no jurisdiction when it is admitted by the first respondent that they have not right over the subject matter of the property. The first respondent cannot assume any jurisdiction in respect of a business that is carried out in a private property by a private person. The impugned order does not

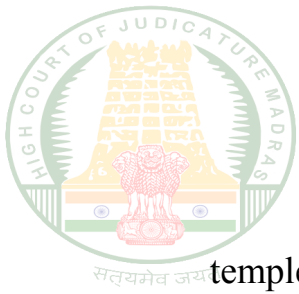


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contain any provision of law that is relied on by the first respondent in which they have exercised the power to issue the impugned order. There is no legal bar for any private person to carry out a business of his choice after obtaining necessary license. The subject matter of the property is not situated in the 'Giriveedhi', which the Municipality has entrusted to the Devasthanam. It is only the first respondent temple that is prevented from carrying out any commercial activity in the land entrusted by the Government to the first respondent temple.

4.Per contra, the learned Senior Counsel appearing for the first respondent would submit that pursuant to the series of directions issued by this Court in various writ petitions filed, the Joint Commissioner, Dhandayuthapaniswamy Temple, Palani has issued the impugned order directing the writ petitioner herein to close the business activity in the survey number mentioned in the impugned order in view of the fact that the area falls within the Giri Veethi of the temple. The writ petitioner has no right to file writ petition in respect of S.No.863 and the same is purely a religious oriented place stands in the name of “Paal Kavadi Madam”. The writ petitioner has destroyed the purpose of the “Paal Kavadi Madam” and altered the place by building 4 shops in footsteps to the hill



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temple and leased out the shops to the private persons and used for commercial purposes. The property tax assessment by the Palani Municipality as well as the electricity connection has been issued in the name of the petitioner, showing the address as 'Giriveedhi' and in such circumstances, it cannot be again said that the property in question is unconnected to Giri Veethi.

5.The learned Senior counsel would further submit that the written statement filed by the husband of the writ petitioner in O.S.No.35 of 1964 stated that the “Paal Kavadi Madam” belongs to Kongu Velalar Community people and his mother Tmt.Pachiammal was appointed as a worker in the Madam. In such circumstances, the writ petitioner cannot take a different stand claiming title over the property in question. Though the writ petitioner claimed that the property originally belonged to one Muthu Irulappa Pillai, who purchased the same by way of a sale deed dated 26.03.1896 and conveyed the same to Ramasamy Iyer on 07.07.1919. None of the above documents have been filed before this Court. In O.S.No.35 of 1964 the legal heirs of Ramasamy Iyer have mentioned that the property was purchased by Ramasamy Iyer by sale deed dated 07.07.1919, which is marked as Ex.A1, which reveals that the



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said sale deed is executed by Palaniappa Pandaram in favour of Ramasamy Iyer. Therefore, the contention of the writ petitioner is totally false and have been taking different stands before different forums. The petitioner having relinquished her entire share in the subject property as early as in the year 2014 cannot still challenge the action of the respondent claiming to be the owner of the property.

6.We have considered the submissions made on either side and perused the available records carefully.

7.It is seen from the records that in O.S.No.35 of 1964 has been filed before the Sub Court, Dindigul by the legal heirs of one Ramasamy against the Palaniappa Pandaram (Died), Narayana Pillai, Tmt.Karuppayee, who are the legal heirs of the deceased Palaniyappa Pandaram for recovery of possession. It is to be noted that the husband of the writ petitioner, namely Narayana Pillai/2nd defendant has filed written statement in O.S.No.35 of 1964, and the relevant portion is extracted hereunder:-

“Suit property is not the private property of any individual but is a madam known as "Palkavadi Matam" founded by Kongu Vellalars of Kuthiluppai



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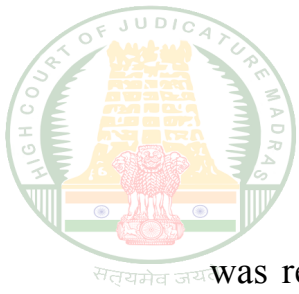


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village and belongs to that community. It had been managed by the representatives of the said community,...”

The said suit came to be dismissed on 08.09.1971. Aggrieved over the same, the plaintiffs therein have filed an appeal in A.S.No.55 of 1973 and the same was also dismissed on 06.02.1978. Challenging the same letter patent appeal has also been filed in LPA.No.55 of 193 and the same came to be disposed on 11.03.1994, based on the settlement arrived by both the parties. It is to be noted that during pendency of the aforesaid letter patent appeal, the legal heirs of the late Ramasamy executed a release deed in favour of the writ petitioner.

8.It is to be noted that in the said release deed, it has been mentioned that what was released in favour of the writ petitioner was disputed claim in respect of palkavadi madam. In the year 1997, the writ petitioner makes an application for seeking transfer of patta, which was issued by the Palani Municipality. In the year 2019, the villagers came to know about the same and they have filed an appeal before the Revenue Divisional Officer, which came to be allowed on 13.02.2021 cancelling the transfer of patta made in favour of the writ petitioner and the patta



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was restored in the name of “Paalkavadi Madam”. Aggrieved over the same, the writ petitioner filed a writ petition in WP.(MD)No.17849 of 2022 and this Court vide order dated 20.09.2024, directed the writ petitioner to approach the District Revenue Officer, Dindigul. Based on which, the writ petitioner has filed a revision before the District Revenue Officer, Dindigul and the same is pending. In the meantime, the writ petitioner executed a release deed in favour of her son on 24.02.2014. She had also executed release deed dated 07.05.2014 to her son and her grandsons.

9.It is pertinent to mention that pursuant to series of directions issued by this Court, the respondent temple has taken steps for closure of commercial business in and around of “Giriveethi” and eviction of encroachment made by the private persons in and around of Giriveethi. It is seen from the records that the writ petitioner has filed a writ petition in WP.(MD)No.19842 of 2024 praying for writ of mandamus forbearing the temple authorities from evicting the writ petitioner from the property and the same was dismissed on 20.09.2024. Subsequently, the writ petitioner has filed a review application in Rev.Aplw.(MD)No.67 of 2025 and the same was allowed on 11.08.2025, in which, it was observed by



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the Court that the scope of this writ petition is confined only to the legality of the sealing and no other issue is being gone into. Further, the Tahsilder was directed to forthwith de-seal the petition mentioned premises. However, the right of the temple to direct the writ petitioner to close down the commercial activity is not curtailed. From the records, it is seen that series directions as enumerated from the orders of this Court in WP.(MD)No.17889 of 2013 and batch dated 10.12.2024, WP.(MD)Nos.1341 of 2017 & 191 of 2016 dated 16.08.2017, WP.(MD)No. 23598 of 2017 dated 26.03.2018 and in Cont.P.(MD)No.1671 of 2018 dated 19.03.2024 and orders passed therein on various dates. It is also relevant to rely the review application in Rev.Aplw.(MD)No.67 of 2025 dated 11.08.2025. It is relevant to mention that in a similar circumstances, the Division Bench of this Court has passed an order in WP.(MD)Nos.28539 to 28544 of 2025 dated 30.01.2026 in the following terms:-

5.This Court on perusing the directions issued by this Court since 10.02.2014 in W.P.(MD)No. 17889 of 2013 etc., till the recent judgments find that the Hill Rock of Subramaniaswamy temple at Palani and the Giri Veethi is ordered to be kept free from any encroachment, commercial activity to provide free and



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unobstructed access to the devotees. Even if there is a disputed claim over the ownership of the property covered under the impugned order, the right of the temple to instruct the occupants not to carry out commercial activity is well within the directions of the High Court and it is in compliance of the High Court direction. The reasonable restriction imposed for the commercial activities on the writ petitioners for the reasons stated cannot be questioned as infringement of their right to trade.

6.Hence, we dispose of these Writ Petitions with an observation that the impugned order of the Joint Commissioner claiming title over the property relying upon the revenue record as a “Kovil Poromboke” is left open and it will be subject to the outcome of the civil suit. As far as the direction to close business activity, we uphold the same, since this direction is in the interest of public pursuant to the orders passed by this Court in the earlier writ petitions.

7.With these observations, the Writ Petition is disposed of. We also make it clear that the order of the Joint Commissioner impugned in these Writ Petitions only speaks about restraining from carrying out business activity and not the right of residing in the place. Therefore, it is needless to apprehend that pursuant to the said order, the writ petitioners will be



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disturbed from their residence, if they are already residing there. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

10.By applying the ratio laid down by the Division Bench of this Court in the aforesaid order, we are of the view that pursuant to the series of directions issued by this Court in various writ petitions, the Joint Commissioner, Arulmighu Dhandayuthapaniswamy Temple, Palani, Dindigul District has issued the impugned order for closure of commercial activity by the writ petitioner in the premises mentioned in the impugned order and the same cannot be questioned. There is no merits in this writ petition and the same is liable to be dismissed.

11.In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
08.06.2026

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