



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 06.03.2026

PRONOUNCED ON : 23.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD) Nos.25270 of 2025 & 28219 of 2022
and
W.M.P(MD)Nos.19821 of 2025 & 22295 of 2022**

W.P(MD) No.25270 of 2025

Venkateswara Kudiyiruppor Nala Sangam, Thimmarajapuram,
Through its President,
191 A, Seevalaperi Road, Thimmaraja Puram,
Palayankottai,
Thirunelveli District - 627 353.

... Petitioner

Vs.

1.The State of Tamil Nadu
Through its Principal Secretary to Government,
Backward Classes Department,
Fort St. George,
Chennai-600009.



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

2.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

3.The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Fort St. George,
Chennai – 600 009.

4.The Commissioner,
HR and CE Department,
Nungambakkam High Road,
Chennai.

5.The District Collector
Thirunelveli District,
Thirunelveli.

6.The District Revenue Officer,
Thirunelveli.

7.The Joint Commissioner,
HR and CE, (Administration)
Thirunelveli.



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

8.The Executive Officer,
Arulmighu Venkatachalapathy Thirukoil,
Thimmaraja Puram, Palayankottai Thaluk,
Thirunelveli District.

9.Ramesh,
Executive Officer,
Arulmighu Venkatachalapathy Thirukoil,
Thimmaraja Puram, Palayankottai Thaluk,
Thirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1, 2, 5 and 6 to initiate fresh acquisition proceedings for the lands in S.Nos.161 to 171 situated at Thimmaraja Puram Village, Palayam Kottai Taluk, Thirunelveli District belonging the 8th respondent temple pursuant to the earlier acquisition proceedings in G.O.R.No.591, Social Welfare, dated 02.04.1969 published Gazette Notification dated 14.05.1969 that got lapsed in Memo.No.55698/BC.1/72-8, Social Welfare, dated 20.09.1973 published in Gazette Notification dated 24.10.1973 for allotting the same to the occupants and consequently, direct the respondents to forbear from interfering with the possession and enjoyment of the occupants until such land acquisition proceedings are completed.



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

For Petitioner : Mr.V.Ragavachary
Senior Counsel
for Mr.V.R.Shanmuganathan
For Respondents : Mr.J.K.Jayaseelan, - for R1 to R7
Government Advocate
Mr.R.Murali – for R8
Mr.B.Ponnupandi – for R9

W.P(MD) No.28219 of 2022

Venkateswara Kudiyiruppor Nala Sangam, Thimmarajapuram,
Through its Secretary C.Ramakrishnan
191 A, Seevalaperi Road, Thimmaraja Puram,
Palayankottai,
Thirunelveli District-627 353.

... Petitioner

Vs.

1.The State of Tamil Nadu
Through its Principal Secretary to Government,
Backward Classes Department,
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2.The Secretary to Government,
Revenue Department,
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W.P(MD) Nos.25270 of 2025 & 28219 of 2022

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5.The District Collector

Thirunelveli District,

Thirunelveli.

6.The District Revenue Officer,

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7.The Joint Commissioner,

HR and CE, (Administration)

Thirunelveli.

8.The Executive Officer,

Arulmighu Venkatachalapathy Thirukoil,

Thimmaraja Puram, Palayankottai Thaluk,

Thirunelveli District.

... Respondents



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to allot the lands to the occupants of the lands in S.Nos.161 to 170 Thimmaraja Puram village, Palayamkottai Taluk Thirunelveli District and mutate to the revenue records in their respective names and issue individual pattas to them.

For Petitioner : Mr.V.Ragavachary
Senior Counsel
for Mr.V.R.Shanmuganathan
For Respondents : Mr.J.K.Jayaseelan, - for R1 to R7
Government Advocate
Mr.R.Murali – for R8

COMMON ORDER

(Common Order of the Court was made by **R.POORNIMA,J.**)

W.P(MD)No.28219 of 2022 is filed by the Secretary of Venkateswara Kudiyiruppor Nala Sangam, Thimmarajapuram, with a prayer to issue a Writ of Mandamus, directing the respondents herein to allot the lands to the occupants of the lands in S.Nos.161 to 170



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

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Thimmaraja Puram Village, Palayamkottai Taluk, Thirunelveli District and mutate to the revenue records in their respective names and issue individual pattas to them.

W.P(MD)No.25270 of 2025 is filed by the Secretary of Venkateswara Kudiyruppor Nala Sangam, Thimmarajapuram, with a prayer to issue a Writ of Mandamus, directing the respondents 1, 2, 5 and 6 to initiate fresh acquisition proceedings for the lands in S.Nos.161 to 171 situated at Thimmaraja Puram Village, Palayam Kottai Taluk, Thirunelveli District belonging the 8th respondent temple pursuant to the earlier acquisition proceedings in G.O.R.No.591, Social Welfare, dated 02.04.1969 published Gazette Notification dated 14.05.1969 that got lapsed in Memo.No.55698/BC.1/72-8, Social Welfare, dated 20.09.1973 published in Gazette Notification dated 24.10.1973 for allotting the same to the occupants and consequently, direct the respondents to forbear from interfering with the possession and enjoyment of the occupants until such land acquisition proceedings are completed.



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

2. The petitioner stated that 38.43 acres of lands in S.Nos.161 to 170, Thimmarajapuram Village, belong to 8th respondent temple. More than 10000 people, comprising of 3000 families are residing as on date. The members of the petitioner Association are also residents in the said lands, for atleast six decades and for about three generations. The 8th respondent temple own vast extent of land inclusive of aforesaid land. In the year 1961, the then trustees of the 8th respondent had leased out the said lands to the forefathers of the people who are all putting up houses for residential purposes. Thereafter, when Thiru.Kamaraj who was the then Hon'ble Chief Minister and Thiru.Kakkan who was the Hon'ble Minister for Home Affairs and Harisan Welfare, proposal was moved to allot those lands to Back Ward Class and Schedule Caste community people, by acquiring them and by collecting the cost of acquisition from BC allottees and free for SC allottees. By proceedings dated 09.02.1965 the 6th respondent accorded sanction for regularization and had demanded from the forefathers the members of the petitioner Association and others, a sum of Rs.4,920/- towards one fourth of total cost of Rs.19,101/- towards acquisition of 38.43 acres, later fixed by the then Home Department in its proceedings



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

dated 10.05.1968. The forefathers have remitted the full amount of Rs.4,987.53/- and Rs.14,311.45/- into the Treasury the fact which the then Special Tahsildhar had admitted and reported to 6th respondent vide proceedings dated 29.10.1968. Section 4(1) notification under Act 1 of 1894 dated 02.04.1969, was also issued and published in the official Gazette on 14.05.1969. But as required under law, no Section 6 declaration seemed to have been made within 3 years and hence in the year 1973, aforesaid Section 4(1) notification seemed to have been cancelled by the Government. The forefathers have continued with possession without being disturbed by any one.

3. Before this proposal to acquire, the 8th respondent temple had laid a suit in OS.No.745 of 1965 on the file of the District Munsif, Thirunelveli, as against 279 persons for recovery of possession by Judgement and decree dated 24.07.1967 and the said suit was decreed and an appeal in AS.No.114 of 1968 on the file of the Additional District Court, Thirunelveli was filed and matter was remitted back for fresh trial. After trial, the suit was decreed again. The temple had filed execution in EP.No.53 of 1974 and later did not press the same on 16.12.1974. The



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

Temple filed another EP.No.71 of 1991 and the same was also not pressed on 23.11.2000. Thereafter, there were no further proceedings. Subsequently, the other lands of the temple have been allotted/sold/ transferred to various persons. Several extent of lands of the 8th respondent has been alienated for cost or for free to several persons. But proposal to transfer the lands to the people, who are in occupation, ever after receipt of cost for the lands, had been cancelled on technical grounds viz., the delay of the Government itself. The cost for the lands was already deposited which is lying in the Government account. The failure of State is against the principles of legitimate expectation and the action of the State is violative of Articles 14, 21 and 300A of Indian Constitution.

4. The Petitioner Association and had been persistently approaching all the authorities concerned for the their grievances and given series of written representations till date. Absolutely nothing either progressed or fructified and now the petitioner learnt that the respondents issued notices under Section 78 of HR & CE Act. One Periyambai Narasimha Gopalan, who hails from Ambasamudram had approached this



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

Court vide W.P.(MD).No.19456 of 2020, as a Public Interest Litigation (PIL) for removal of alleged encroachments in the aforesaid lands. The Court by order dated 24.11.2022 have directed action under Section 78 of said Act. The petitioner Association reserve their right to seek review of said order, since it was behind their back, without notice and without hearing them and by suppressing all the above real facts before the Court.

5. All the occupants are residing in the lands in question for the past 60 years. Originally 349 families had now enlarged to 3000 families. Not less than 10000 people live there and they have been issued with Ration Cards, Aadhaar, Cards, voter identity card with the said address and their houses are within the limits of Thirunelveli Municipal Corporation. They have electricity connections, Telephone Connections, Water supply, Drainage connections. Their houses are assessed to Property Tax. All the facilities are available like Primary Health Center, Post Office, Panchayat Union Primary School, apart from a private School and also a Library by the Government therein. The Government had constructed three water tanks in their village. There is a veterinary hospital in their village. The petitioner Association are already in settled



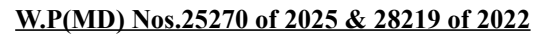
W.P(MD) Nos.25270 of 2025 & 28219 of 2022

possession on the one hand. On the other hand they have also paid land tax way back in the year 1968, which is in the Government Treasury. Therefore, the lands should have been acquired and allotted to the petitioner Association and prayed to allow the writ petition.

6. The learned Advocate appearing for the temple/ 8th respondent submitted that the petitioner themselves admitted that they are inducted into the temple as a lessee, but at present they are not paying the rent and already title of the temple was also declared. Though the temple authorities not filed Execution Petition, but they have remedy to file a petition under Section 78 of the Tamil Nadu Hindu Religious & Charitable Endowment Act. They have already initiating action. However, if the petitioner Association ready to pay the rent, they can consider and request the Court to pass orders.

7. Heard the learned counsel on either side and perused the materials available on record.

8. The petitioner Association has itself admitted that the



9. It is to be noted that even prior to the acquisition proceedings, the 8th respondent had filed a suit in O.S. No. 745 of 1965 against the fore fathers of the members of the petitioner Association seeking recovery of possession. The said suit was decreed in favour of the temple in the year 1967. The matter was remanded on appeal, after the second trial the decree was again passed in favour of the temple authorities. Therefore, the petitioner Association cannot derive any title to the property through a Court of law. Though the temple Authority not initiated EP proceedings within 12 years, but the properties are no doubt, temple properties. It should be protected. The HR & CE authorities have special powers under Section 78 of the Act to remove encroachments, even if civil remedies were not pursued earlier.

10. However, taking into consideration the fact that a large



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

number of families are presently residing in the property, the temple authorities (8th respondent) have fairly conceded that if the occupants are willing to pay rent, they would consider regularizing their occupation and assured that no proceedings would be initiated for removal of encroachment.

11. We are also of the view that the proposal of the 8th respondent is fair and reasonable. Further, if rent is collected, it would be beneficial for the administration and development of the temple. Though these writ petitions are filed for Writ of Mandamus, we have requested the respondent temple to fix the fair rent. Therefore, we issue a direction to the Hindu Religious and Charitable Endowments Department (respondents 4 & 7) and the temple authorities (8th respondent) to accept the members of the petitioner Association as tenants and fix rent at Rs.100/- per cent for residential buildings and Rs.200/- per cent for commercial buildings, and issue appropriate proceedings accordingly.

12. The petitioner Association are further directed to pay a sum



W.P(MD) Nos.25270 of 2025 & 28219 of 2022

of Rs.50,000/- for each occupant towards compensation for prior occupation of the residential buildings and a sum of Rs.1,00,000/- for each occupant in respect of commercial buildings. The 8th respondent and the members of the petitioner Association shall enter into a fresh lease agreement subject to the above conditions.

13. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.P., J.)
23.03.2026

Index : Yes / No
NCC : Yes / No

RM



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