



WP(MD)Nos.25438 and 25693 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)Nos.25438 and 25693 of 2025

and

CMP(MD)Nos.19924, 19927, 20112 and 20113 of 2025

S.Parimaladevi

... Petitioner

in WP(MD)No.25438 of 2025

V.Sundaraj

...Petitioner

in WP(MD)No.25693 of 2025

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur.

3.Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur.



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4.The Executive Officer,
Sri Balasubramaniya Temple,
Kathapparai Village,
Vennamalai Post,
Karur Taluk and District.

... Respondents both WPs

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in connection with the eviction order passed by the 3rd respondent in his proceedings Na.Ka.Nos. 1025/2020/A2 dated 26.08.2025, and 1025-161/2020/A2, dated 28.08.2025 and quash the same.

For Petitioners : Mr.D.Selvanayagam
For Respondents : Mr.P.Subbaraj,
Special Government Pleader
for R.1 to R.3
Mr.A.K.Sriram,
Senior Counsel
for Mr.P.Aathimoola Pandian
for R.4

[In both WPs]

COMMON ORDER

The petitioners are in occupation of the lands in Survey No. 577/1 to an extent of 1327 sqft, Survey Nos. 577/1, 577/2, 577/3 and 578 to an extent of 3600 sqft, Survey Nos. 577/1, 577/2, 577/3 and 578 to an extent of 1800 sq.ft and Survey No.577/1 to an extent of 1860 sqft of the Aathur Village, Manmangalam Taluk, Karur District. They have filed these writ petitions challenging the eviction



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notices dated 26.08.2025 and 28.08.2025 issued by the 3rd respondent / Assistant Commissioner, pursuant to the order of the 2nd respondent /Joint Commissioner, dated 06.05.2025 passed under Section 78 of the HR and CE Act.

2.The learned counsel for the petitioners submits that the 3rd respondent has issued notice for eviction pursuant to the orders passed by the Joint Commissioner under Section 78 of the HR and CE Act vide proceedings dated 06.05.2025. According to him the claim of the temple is that the subject land is registered in the Inam Fair Register dated 24.03.1863 in the name of the temple and it is a service inam land in the name of the temple and service holders. However, the petitioners claim that prior owners have paid sasthik tax to the Tamil Nadu Government and the petitioners have purchased the lands vide registered sale deeds.

3.He further submits that based on the order dated 14.03.2025 passed by this court in WP(MD)No.6582 of 2025, they have filed the suits under Section 79(2) of the HR and CE Act in OS Nos.307 and 308 of 2025 before the Principal District Court, Karur, for a declaration that they are the absolute owners of the property and the same are pending. Since the civil court is seized of the matter, the eviction notices cannot be sustained and are liable to be set aside.



4. The learned Special Government Pleader appearing for the 3rd respondent by referring to the counter affidavit filed by the Assistant Commissioner, HR and CE Department submits that the petitioners have occupied the property in S.No.577 to an extent of 26,157 sq. ft by putting up a construction and are running a mill on the land. Pursuant to the orders of this Court in WP(MD)No.64 of 2018, dated 23.10.2019, the Joint Commissioner has determined that the property belongs to the Arulmigu Balasubramaniya Swamy Temple, Karur and has passed orders, under Section 78 of the HR and CE Act. Therefore the eviction notices dated 26.08.2025 and 28.08.2025 were issued by the 3rd respondent. The petitioners have filed OS.Nos.307 and 308 of 2025 before the Principal District Court, Karur under Section 79(2) of the HR and CE Act, challenging the eviction orders and no interim order has been granted by the civil court. Therefore the impugned notices need not be set aside and the writ petitions are liable to be dismissed.



5.This Court has considered the rival submissions made and perused the materials placed on record.

6.The Arulmigu Balasubramany Swami Temple, Vennimalai, Karur is maintained by a Trustee and an Executive Officer. Due to their mismanagement, the lands belonging to the temple to an extent of 507 Acres in the midst of Karur city worth about several 1000 crores are under encroachment. The HR and CE Department as well as the Trustee have not taken any steps to restore these properties. Therefore, a devotee approached this Court by way of a public interest litigation wherein this Court passed an order in WP(MD)No.64 of 2018, dated 23.10.2019 directing the HR and CE Department to restore the temple properties by initiating appropriate action. The orders of this court have not been implemented and therefore, the devotee has filed a contempt application in Cont.P(MD)No.371 of 2024 and the same is pending before this court.

7.The main contention of the petitioners is that they have filed civil suits under Section 79 (2) of the HR and CE Act as against the order passed under Section 78 of the HR and CE Act before the Principal District Court, Karur. It appears that the pleadings have been completed and the same is pending for framing of issues. The civil court has not granted any interim relief.



8.The 3rd respondent / Executive Officer, pursuant to the order passed by the Joint Commissioner under Section 78 of the HR and CE Act, has issued eviction notice. The petitioners claim that they are the bonafide purchasers and they were issued with pattas, which have been subsequently cancelled by the Revenue Divisional Officer by his order dated 27.07.2020. The petitioners have not challenged the same. The consequential proceedings under Section 78 of the HR and CE Act was initiated and eviction orders have been passed. Since the petitioners are having remedy under Section 79(2) of the HR and CE Act, they have filed civil suits and the same are pending before the Principal District Court, Karur in OS.No.307 and 308 of 2025.

9.It appears that the petitioners have not made out any prima facie case before the civil court for the grant of interim order. It is up-to the petitioners to establish their case before the civil court. The deity is a minor and it has been defended by the trustee and the HR and CE Department. As held by the Hon'ble Supreme Court in *A.A.Gopalakrishnan Vs. Cochin Devaswom Board and Ors., reported in (2007) 7 SCC 482*, this court is also having a role to protect the property of the minor deity under parens patriae jurisdiction. As on date the petitioners are not having any valid documents for their possession and the pattas



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granted in their favour have also been cancelled. However, they are in occupation of the subject land. Therefore the civil court concerned shall consider the fair rent depending upon the extent of the property and direct the petitioners to deposit the same pending disposal of the civil suits.

10. In view of the above discussion, this court is not inclined to interfere with the impugned eviction notices and accordingly, these writ petitions are dismissed with the above directions. No costs. Consequently connected miscellaneous petitions are closed.

[P.V.,J.] [B.P.,J.]
27.02.2026

Index : Yes / No
Internet : Yes
DSK



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Copy to

The Principal District Judge,
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