



**W.A.(MD) No.101 of 2026**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 03.02.2026**

**CORAM:**

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**and**

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A.(MD)No.101 of 2026**

**and**

**C.M.P.(MD)No.1042 of 2026**

Panpozhi Town Panchayat – Grade II,  
rep. by its Executive Officer,  
Panpozhi,  
Tenkasi District – 627 807.

... Appellant

-VS-

- 1.The Joint Commissioner,  
Hindu Religious and Charitable Endowment,  
Thoothukudi.
- 2.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Tenkasi.



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3.Arulmigu Thirumalaikumaraswamy Tirukoil,  
Represented by its Executive Officer / Assistant Commissioner,  
Panpozhi,  
Tenkasi District.

4.The Tahsildar,  
Sengottah Taluk,  
Tenkasi District.

... Respondents

**PRAYER:** Writ Appeal filed under Clause XV of the Letters Patent Act,  
praying to praying to set aside the order dated 17.06.2025 made in W.P.  
(MD)No.21053 of 2023 and allow this Writ Appeal.

For Appellants : Mr.M.Sivavarthan

For Respondents 1, 2 & 4 : Mr.J.Ashok

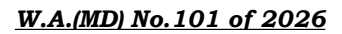
Additional Government Pleader

For Respondent No.3 : Mr.S.Manohar

### **JUDGMENT**

**[Judgment of the Court was made by DR.G.JAYACHANDRAN, J.]**

In a Writ Petition filed by the appellant herein seeking Certiorarified  
Mandamus to call for the records pertaining to the interim order passed by  
the Joint Commissioner, 'Hindu Religious & Charitable Endowments  
department' [hereinafter referred to as 'HR & CE Department'] in a



2.The grievance of the appellant is that as far as S.No.513 is concerned, it is an extent of 11 acres and 10 cents, it belongs to the appellant. The mango grove in that survey number is in possession of the panchayat and in yet another piece of land, solid waste management plant has been erected. While so, the land in S.No.513, which is classified as 'Government Poromboke Tharisu' is claimed by the temple without any basis and because matter is pending before the Joint Commissioner under Section 78 of HR & CE Act, the appellant herein has filed an interlocutory application to delete S.No.513 from the proceedings, relying upon the order passed by this Court in W.P.(MD)No.29220 of 2023 dated 21.12.2023.



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3.The learned Single Judge, after considering the submissions has passed the impugned order as stated above, since Court has thought fit that the issue regarding the ownership as well as other aspects can be decided by the fifth respondent by the proceedings initiated under Section 78 of the Act, particularly whether the temple has any right or claim over the survey No.513 of Panpozhi Village, despite the finding by the learned Single Judge in W.P.(MD)No.29220 of 2023, holding that the said survey number belongs to Town Panchayat.

4.The learned Counsel for the appellant would submit that in the counter filed by the temple in another matter, they have conceded that S.No.513 measuring 11 acres and 10 cents is owned by the Town Panchayat. Therefore, there is nothing to agitate in respect of S.No.513 by the Joint Commissioner in the pending proceedings.

5.The prime consideration is that having conceded by the temple in the connected proceedings, they cannot turn around and say that they have right in the said survey number. The portion of the affidavit which is relied by the learned Counsel for the appellant, no doubt, the temple has said that in S.No.513, there is a mango grove and the usufructs been enjoyed by the



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panchayat. It is also stated that the survey number in which the panchayat activities are carried on is S.No.516, 517 and 518 and all the developments made by the Town Panchayat is only in S.No.516, 517 & 518. This affidavit also form part of the record in R.P.368 of 2024, on the file of the Commissioner of HR & CE. We find that the proceedings which is now pending before the Joint Commissioner under Section 78 of HR & CE Act is in respect of S.No.506 as well as 513. The attempt of the appellant herein to delete survey No.513 based on certain documents and the averments in the affidavit filed by the HR & CE department in a connected matter been considered by the Joint Commissioner and has dismissed the same.

6.The issue has not reached finality. The right of the appellant herein is alive and he can place all the records in support of him before the Joint Commissioner where the proceedings is pending. Since learned Single Judge has consciously given liberty to the appellant herein to participate in the proceedings after setting aside the ex-parte order passed against him. While so, no prejudice will be caused to the appellant herein to participate in the pending proceedings and establish his rights in respect of S.No.513 and the extent of land which he claims right. It is also to be noted that the activity proposed to be carried out by the panchayat in the disputed survey number where the temple is also admittedly located causes concern to the



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Court. Therefore, while confirming the order of the learned Single Judge, we hold that insofar as S.No.513 is concerned, the revenue Tahsildar had informed the Assistant Commissioner HR & CE and copy marked to Executive Officer of the appellant panchayat that the revenue record in respect of S.No.513 show that it is 'Arasu poromboke' and therefore, no encroachment and construction of building activity should be permitted. To preserve the right of the parties, it is appropriate that till the disposal of the proceedings pending before the Joint Commissioner, neither of the party shall put up any construction in the disputed land.

7.With these observations, this Writ Appeal stands disposed of. Further, the Joint Commissioner, HR & CE, Thoothukudi, is directed to dispose of the appeal pending before him within a period of four [4] months from today. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**[G.J., J.]      &      [K.K.R.K., J.]**

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NCC      : Yes / No

Index    : Yes / No

Internet: Yes / No

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