



W.P. No.18925/2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.09.2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 18925 OF 2025

AND

W.M.P. NOS.21207, 21208, 41078 & 41079 OF 2025

1. K.Ananthan
2. S.Balamurugan
3. K.Kasi

.. Petitioners

- Vs -

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Home, Prohibition & Excise Department
Fort St. George, Chennai 600 009.
2. The District Collector
Ariyalur District
District Collector Office
Ariyalur 621 704.
3. The Commissioner
Hindu Religious & Charitable Endowments
Department, No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 034.
4. The Assistant Commissioner
Hindu Religious & Charitable Endowments
Department, 228, II Floor



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District Collector Office, Ariyalur 621 704.

5. The Inspector, Sendurai Division
Hindu Religious & Charitable Endowments
Department, 228, II Floor
District Collector Office, Ariyalur 621 704.

6. The High Court of Judicature at Madras
Rep. By its Registrar General
High Court, Madras.
(R-6 impleaded vide order of Court
Dated 22.09.2025 made in WMP
No.37904/2025)

7. The Principal District Judge
Ariyalur District.
(R-6 impleaded vide order of Court
Dated 22.09.2025 made in WMP
No.37907/2025)

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying
this Court to issue a writ of mandamus forbearing the respondents from in any
way alienating, encumbering or putting up constructions upon the lands in
Survey No.60/1 to Survey No.60/5 belonging to A/M. Karumbayiram Ayyanar
for any other purpose.

For Petitioners : Mr. V.Raghavachari, SC, for
Mr. B.Prashanth Nadaraj

For Respondents : Mr. T.M.Rajangam, GA



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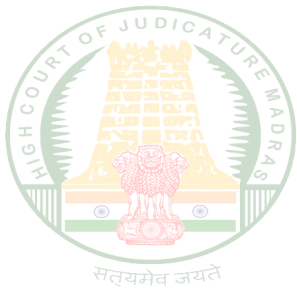
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for RR-1 & 2
Mr. N.R.R.Arun Natarajan, Spl.
GP for RR-3 to 5
Mr. Suhrith Parthasarathy for
RR-6 & 7

ORDER

By the present the petitioners seek to forbear the respondents from alienating or encroaching upon the lands, which is a temple property belonging to Arulmighu Karumbayiram Ayyanar for any purpose.

2. It is the case of the petitioners that they are devotees of Arulmighu Karumbayiram Ayyanar and that the temple and the deity there are situated in Udayankudikadu Village, Sendurai Taluk. It is the further case of the petitioners that the deity was consecrated in inam lands admeasuring 7 Acres and 36 cents comprised in Survey No.60 of Sendurai Village and the temple is situated in the middle of the large extent of land. It is the further case of the petitioners that the ownership of the extent of lands with the deity is reflected in the 'A' Register of the Village of Sendurai, part of the then Tiruchirappalli District before its bifurcation. It is the further case of the

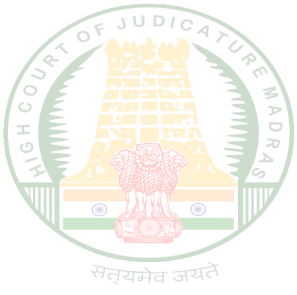


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petitioners that in the 'A' Register, the lands have been recorded as dry lands belonging to the deity Arulmighu Karumbayiram Ayyanar by way of a title deed No.3490. Further the deity along with the horses are age old heritage and antique clay sculptures installed in the usual fashion of a village as guardian God in open area.

3. It is the further case of the petitioners that a shrine was also erected beside the deity in and around the year 2007 for the benefit of the devotees and that the entire area remained forested by wild trees and herbal plants, which was accessible to all the villagers. Further, the expenses for the maintenance and upkeep of the temple, as evidenced from the records show that the temple was administered with the funds earned from trading the dead branches/limbs of the fallen trees and that at present the temple is being administered by respondents 3 to 5, who have notified the temple as early as in the year 1973 and had brought it under their administrative control.

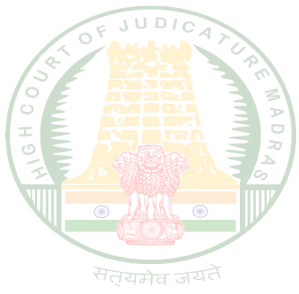


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4. It is the further case of the petitioners that approximately an acre of the temple lands was historically used as a pathway for the devotees who come to offer their worship to the deity. Further, some other portion of the temple lands were converted into roads by the local body at an earlier point of time and other than this, the lands remained as they are with the temple without any alienation or conversion of any kind.

5. It is the further case of the petitioners that when things stood thus, in the month of March, 2025, some of the villagers, including the petitioners noticed constant movement and stationing of persons inside the temple which appeared to be pre-construction survey activity and on enquiry, it was revealed that the said persons were civil work contractors and that they had been entrusted with the task of construction of court complex inside the temple lands. It is the further case of the petitioners that when the staged a protest, the revenue officials came to the said place and informed that the lands on which construction is to take place belonged to the Government and that they were classified as poramboke lands in the revenue records.

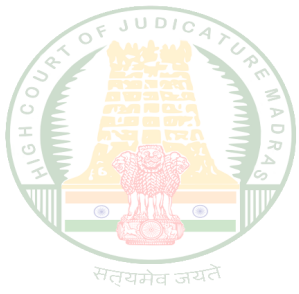


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6. It is the further case of the petitioners that upon enquiry, they came to know that when the portion of the temple lands were converted into pucca roads, the revenue records were simultaneously mutated to show that the temple lands appear to have been sub-divided into four parcels from Survey No.60/1 to Survey No.60/4 and that lands in Survey No.60/1 measuring approximately 4 acres and S. No.60/2 measuring 0.99 cents were reclassified as Government poramboke lands in the records to show that the temple and the deity were situated only in the land in Survey No.60/1 and the land in Survey No.60/2 was shown as a road. Survey No.60/3 measuring 0.71 cents and survey No.60/4 measuring 1.55 acres were subdivided and classified as punjai lands belonging to the temple.

7. It is the further case of the petitioners that inspite of the petitioners approaching the revenue officials, they were informed that the lands were duly reclassified during the road laying works, though no official record of proceedings for such reclassification or acquisition was available. The reclassification of the lands belonging to the temple as Government poramboke is wholly illegal and impermissible. It is the further case of the

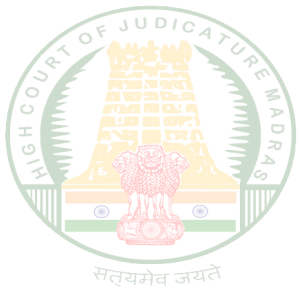


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petitioners that Survey No.60/1, which has been classified as Government Poramboke has now been subdivided into Survey No.60/1 and 60/5 with the lands in Survey No.60/5 being utilised for the purpose of constructing a new court complex to which act, the petitioners were neither privy to or are in possession of any official records with respect to allotment of the lands for construction of court and other allied administrative functions.

8. It is the further case of the petitioners that they approached the 2nd respondent and filed a representation protesting the unlawful encroachment and alienation of temple lands and had also approached the 4th respondent, who is the administrator and requested the 4th respondent to take action on the encroachments. Though it was promised that the issue will be looked into, however, the construction activity had only intensified and is in full swing and evacuation is being carried out and the ancient trees/shrubs in the entire earmarked portion have been felled despite the protests and foundation is being laid for the construction. Furthermore, the lands allegedly earmarked for the court complex lies immediately adjoining the temple and the deity and



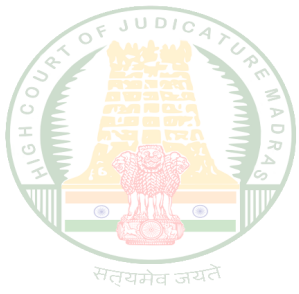
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a consequence of the hasty construction, the original deity and other historic sculptures and installations are being severely impacted and damaged.

9. It is the further case of the petitioners that when the villagers protested about the construction in the temple property, they were threatened with dire consequences by the revenue authorities. Further, the lands, which is classified now as 'road' in S. No.60/2, is said to have been acquired through acquisition proceedings, however, it is not clear whether any compensation has been paid to the temple and if not, the entire acquisition is bad. Therefore, left with no other alternative, the present writ petition has been filed.

10. Learned senior counsel appearing for the petitioners submits that the lands, which clearly belongs to the temple as per the entries in 'A' Register cannot be classified as poramboke lands to be utilised for any secular activity. It is the further submission of the learned senior counsel that the purpose for which the lands are utilised, being putting up of court complex, the lands



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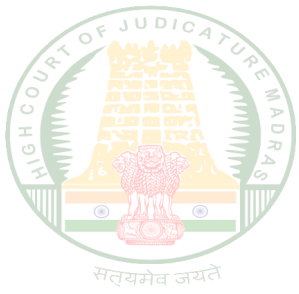
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belonging to the temple, cannot be taken away and put for use for a completely different purpose for which it was not given as inam.

11. It is the further submission of the learned senior counsel that if the construction of the court complex is put on the lands adjoining the temple, where temple activities, including ringing of bells and prayers by worshippers reaching high decibels are performed, the same cannot be controlled by the court to maintain the solemnity of the court proceedings.

12. It is the further submission of the learned senior counsel that had the revenue authorities, who were entrusted with the job of identifying a place, been properly appraised that the lands belong to the temple, they would not have identified this place for the purpose of construction of court complex.

13. It is the further submission of the learned senior counsel that the construction of the court complex would have a direct bearing on the mode of worship adopted by the devotees time immemorial and any curb imposed on



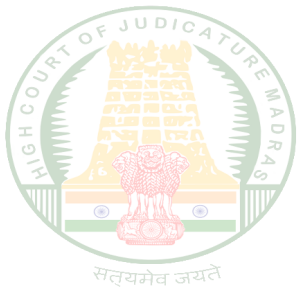
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the worship would be in direct violation of Article 25 of the Constitution of India, as the Hindu form of worship is not based on mere silence.

14. It is the further submission of the learned senior counsel that the construction work would have a direct impact on the original deity and other historic sculptural installations as the said installations are sculptures made of antique clay dating back to several centuries and hold religious and cultural significance and any damage caused would be irreparable.

15. It is the further submission of the learned senior counsel that all the revenue records and settlement proceedings contain the name of the temple and the Inam Fair Register also carries the name of the temple. In such a backdrop, the reclassification of the lands belonging to the temple as poramboke lands by the State is grossly illegal and impermissible and merely because the HR & CE Department acts according to the whims and fancies of the State cannot be a ground to rob the temple of the lands, which rightfully belong to the deity and has been in possession and enjoyment of the villagers, who are acting as custodian of the temple property and that the department



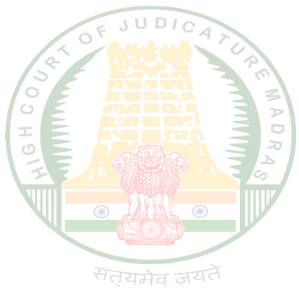
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only has a supervisory role and it does not become the owner of the temple property so as to permit alienation of the said lands in detriment to the interests of the temple and also the deity.

16. In the above circumstances, learned senior counsel fervently prays that this Court may not only injunct the respondents from proceeding with the construction, but also forbear the respondents from in any way alienating or encumbering or putting up constructions upon the lands in the aforesaid survey numbers, which belong to Arulmighu Karumbayiram Ayyanar temple.

17. Per contra, learned Government Advocate appearing for respondents 1 and 2 submitted that the lands to an extent of 1.66.5 hectares, which is 4.11. acres of land, in Survey No.60/1 is a purely Government poramboke lands as per 'A' Register and the FMB sketch also shows the existence of Arulmighu Karumbayiram Ayyanar Temple, but the year of construction is not known. It is the further submission of the learned Government Advocate that the lands that the factum of donation of the lands to the temple is not revealed and all along the lands belong to the



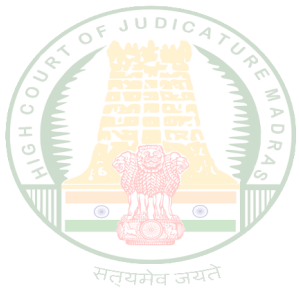
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Government and are classified as Government Poramboke lands and that the Government is in custody of the same.

18. It is the further submission of the learned Government Advocate that in view of the fact that lands for construction of court complex was sought for, the said lands in Survey No.60/1 were identified for alienation to the Judicial Department and the lands were sub-divided and pursuant to there being no objection from the villagers/general public, the lands were identified for being alienated.

19. It is the further submission of the learned Government Advocate that even during the inspection carried out by the Revenue Divisional Officer, no objections were raised by the public either orally or through any written petitions and, therefore, upon identification, the lands were sub-divided and an extent of 1.18 Hectares working out to 2.91 acres were identified for construction of court complex and judicial officers quarters.

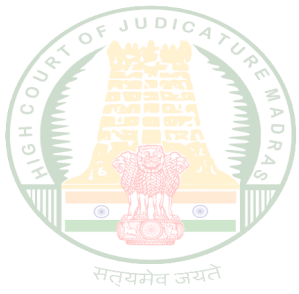


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20. It is further submitted that the lands were transferred on 23.09.2021 and the site was cleared and survey stones were fixed by the surveyors and the lands that have been alienated for the purpose of court complex were sub-divided under S. No.60/5. It is the further submission of the learned Government Advocate that after leaving sufficient lands for Karumbayiram Ayyanar Temple, the balance lands were transferred to the judicial department in which work has been taken up for execution. It is further submitted that the functioning of the Court will not in any way cause any disturbance to the temple activities and the temple activities will also not cause any disturbance to the court activities.

21. It is the further submission of the learned Government Advocate that prior to commencement of construction works, the villagers approached the Judicial Department requesting for additional space for the temple, which was acceded to by shifting the location of the court hall and building, which clearly shows the mutual understanding between the villagers and the officials.



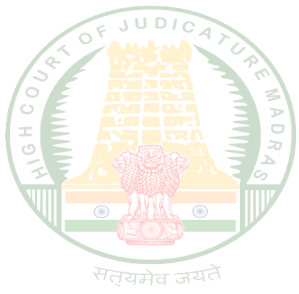
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22. In the light of the above, it is submitted that the grounds advanced by the petitioners is false and frivolous and if the work is halted, serious prejudice would be caused to the general public including escalation of cost due to the delay in completion of the project and, therefore, it is prayed that this writ petition may be dismissed in larger public interest.

23. Learned standing counsel appearing for the HR & CE Department, basing his submissions on the counter submitted that the lands in S. No.60 originally belonged to the temple and the alienation of the lands by reclassification of the lands in the revenue records came to the light of the Department only when administrative sanction was accorded by the 2nd respondent to construct the Court complex in the lands belonging to the temple.

24. It is the submission of the learned standing counsel that the reclassification of lands, which belonged to the temple, had been done by the revenue authorities without notice to the Department. Relying upon the entries made after UDR, two sub-divisions in S. No.60/3 and 60/4 were kept in



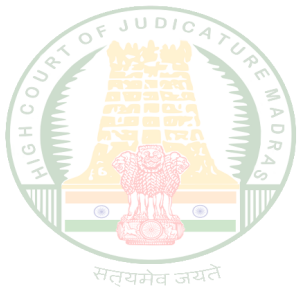
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the name of the temple, whereas sub-divisions 60/1 and 60/2 were converted and reclassified as 'Government Poramboke' lands in the revenue records and alienation was made for construction of court complex.

25. It is the submission of the learned standing counsel that the 'A' Register clearly reveals that the lands in S. No.60 to an extent of 7.36 acres of Inam Punjai land without sub-division belongs to the temple and the reclassification carried out by the revenue officials is without the knowledge of the temple and due to the impermissible reclassification, lands to an extent of 3.48 acres alone is in the name of the temple.

26. It is the further submission of the learned standing counsel that an objection letter to the act of the revenue officials in reclassifying the lands as Government poramboke was addressed by the HR & CE Department to which a reply was received from the Tahsildar wherein it has been stated that with regard to the clarification sought for from the Assistant Commissioner, HR & CE Department, Ariyalur as to whether the extent of 1.66.5 acres of Government poramboke, which was mentioned as 'Temple' in the reference

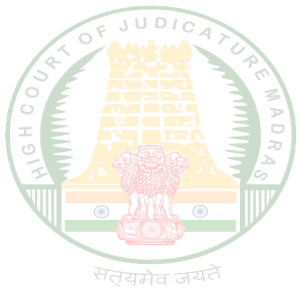


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column is under the control of HR & CE Department and since no response was received from the HR & CE Department, the lands were transferred to the Judicial Department and the trees in the above lands have been removed for laying the foundation stone for construction of the building.

27. It is the further submission of the learned standing counsel that the letter of the Tahsildar was addressed during the period of COVID, which would not have received a proper response. But that cannot be the ground to alienate the property belonging to the deity to the Judicial Department by the 2nd respondent and the said alienation is bad as the deity cannot be divested of its properties by making erroneous entries in the revenue records so as to show the lands as being Government Poramboke. Therefore, in view of the materials, which unflinchingly substantiate that the lands belong to the deity, the alienation done by the 2nd respondent in respect of the Judicial Department is grossly erroneous and, therefore, necessarily, the lands should be reverted back to the deity and if at all the lands are required for a public purpose, alienation should be sought for by invoking Section 34 of the HR & CE Act.

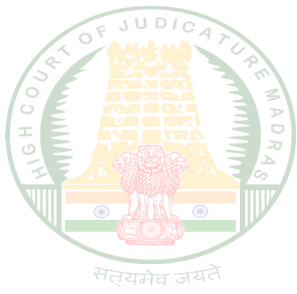


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28. Miscellaneous petitions have been filed on behalf of the 7th respondent based on which learned counsel appearing for the 6th and 7th respondents submit that the writ petitioners, without impleading the Judicial Department has filed the writ petition, which is grossly erroneous as the main stakeholder is the Judiciary, which has been allotted with the subject lands.

29. It is the further submission of the learned counsel that the petitioners have also not informed of the fact that construction on the site had already begun and foundation stone has been laid on 22.2.2025 and at the point of time of filing the writ petition, the construction of the court complex and the judicial officers quarters had reached the basement stage. The interim injunction granted in the absence of impleading respondents 6 and 7 had caused grave prejudice to respondents 6 and 7 and the construction being in public interest, it is necessary that in the interest of the litigant public, the interim injunction granted ought to be vacated.



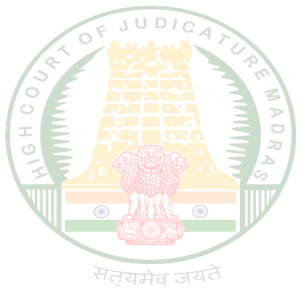
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30. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

31. There is no quarrel with the fact that as on date, the subject lands in S. No.60, has since been subdivided into S. No.60/1 to S. No.60/5 of which S. No.60/5 has been allotted to the Judicial Department. It is the stand of the respondents that of the extent of 1.66.5 Hectare, which is 4.11 acres, the lands are Government poramboke lands as per 'A' Register and further the FMB sketch shows that Karumbayiram Ayyanar Temple is situated therein. It is further not disputed by respondents as to when the said construction of the temple had been put up. However, no materials substantiating the fact that the 'A' Register reveals that the lands to an extent of 1.66.5 Hectares was all along a Government Poramboke.

32. Though the respondents 1 and 2 claim that the lands are Government poramboke lands and a reflection is there in the 'A' Register, however, a public notice dated 5.7.2021 calling for objection for utilisation of

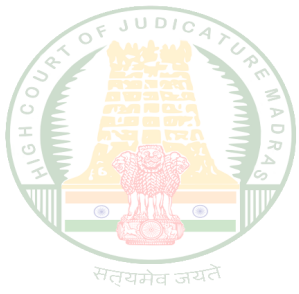


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the lands in S. No.60/1 has been issued by the respondents. If really the lands are Government poramboke lands, this Court is at a loss to understand as to what prompted the issuance of public notice as there arises no necessity to call for objections from the general public.

33. However, it is the stand of the HR & CE Department that the 'A' Register prior to UDR in respect of S. No.60 shows the lands to be classified as Inam Dry Lands and the name of pattadar as Karumbayiram Ayyanar. The said record is placed by the petitioners before this Court in the typed set of papers, which clearly establishes that the lands in S. No.60 to an extent of 7.36 acres belongs to the deity in Karumbayiram Ayyanar Temple. The above material unequivocally prove that prior to the UDR, the lands belonged to the deity and only after the UDR, entries have come to be changed in the register to show the lands as being Government poramboke lands. When there is no material evidencing the lands being Government poramboke lands and when the 'A' Register prior to UDR crystallises the fact that the lands belong to the deity, the said 'A' Register, being a contemporaneous document, has to be acted upon by this Court to hold that the lands belong to the deity.

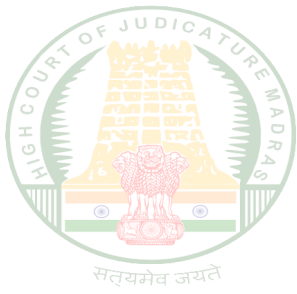


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34. Though respondents 1 and 2 try to shield itself under the manner in which the lands have been allotted to the Judicial Department by following the procedure of calling for objections and in the absence of objections, transferring the lands to the Judicial Department, the mere fact that no objection had been made by the villagers cannot be the basis to hold that the lands are Government poramboke lands. It is not the case of the respondents 1 and 2 that notice was sent to the HR & CE Department, as the 'A' Register revealed that the lands belonged to the temple and necessarily the notice ought to have gone to the HR & CE Department, as the said department is the custodian of the lands belonging to the temple and without the approval of the HR & CE Department, lands belonging to the temple cannot be alienated.

35. It is useful to refer to Section 34 of the HR & CE Act, which provides that for alienation of property belonging to a religious institution even be it on lease, sale or mortgage for a term exceeding five years, sanction of the Commissioner is necessary. For better appreciation, the said provision is quoted hereunder :-



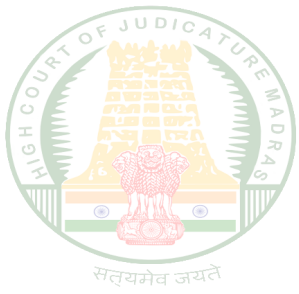
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“34. Alienation of immovable trust property. – (1) Any exchange, sale or mortgage and any lease for a term exceeding five years of any immovable property, belonging to, or given or endowed for the purpose of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the institution.”

36. In the present case, this Court has already held that there is no material which supports the claim of respondents 1 and 2 that the lands in S. No.60 are Government Poramboke, but the contemporaneous record in the form of ‘A’ Register prior to UDR clearly show that the lands are Dry Punjai lands, which have been donated to the temple as inam and vests with the deity Karumbayiram Ayyanar and such being the case, the HR & CE Department is the custodian of the said lands on behalf of the deity and, therefore, necessarily, permission ought to have been sought for from the Commissioner of HR & CE Department u/s 34 of the HR & CE Act.

37. When the ‘A’ Register clearly show that the lands belong to Karumbayiram Ayyanar Temple prior to UDR, any corrections in the register

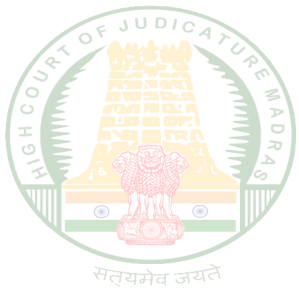


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without notice to HR & CE Department is grossly impermissible and moreso, when the lands belong to the deity of which HR & CE Department is the custodian, necessarily respondents 1 and 2 are duty bound to have sought for permission from the Commissioner of HR & CE Department u/s 34 of the HR & CE Act for causing alienation of the property in favour of the Judicial Department. Merely because no objection has been raised by any of the villagers or the persons in the locality in respect of the public notice issued, that would not cloth respondents 1 and 2 to alienate the lands to the Judicial Department under the garb of reclassification made at the time of UDR.

38. It is also not the case of respondents 1 and 2 that any acquisition proceedings were taken up to take over the lands and even for the same, recourse to Section 34 of HR & CE Act ought to have been taken as the Commissioner is duty bound to protect the interests of the deity, which has not been done in the present case. In such circumstances, the alienation of the lands in favour of the Judicial Department is *per se* impermissible and illegal and the same deserves to be interfered with.

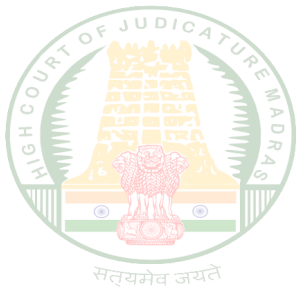


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39. Accordingly, the mutation of the revenue records by the respondents 1 and 2 by reclassifying the lands in S. No.60 by sub-dividing it as S. Nos.60/1 to 60/5 is set aside and the respondents 1 and 2 are directed to mutate the revenue records so as to show the name of the pattadar as the deity of Karumbayiram Ayyanar **within a period of two weeks from the date of receipt of a copy of this order.**

40. However, it should not be lost sight of that the purpose for which the alienation is made is for a public purpose, viz., the construction of a court complex, which would benefit the general public in the locality. At the same time, it should also be borne in mind that the interests of the deity is also to be safeguarded at all costs, as endowment is made for fulfilling the needs of the temple and the deity and, therefore, even when Section 34 of the HR & CE Act is invoked, a duty is cast upon the Commissioner of HR & CE Department to see that the interests of the deity are kept as the foremost consideration when alienation of the property endowed is given either on sale, mortgage or lease.



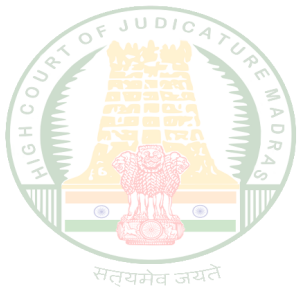
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41. This Court is also conscious of the fact that pursuant to the handing over of the lands to the Judicial Department, steps have been taken to put up construction and foundation stone has been laid as early as on 22.2.2025 and as on date, the construction has reached the basement level. Therefore, it would not be in the interest of the public as well to rule out the alienation of the lands, though it ought to be done by following the provisions of the HR & CE Act and also keeping the interest of the deity, which is of paramount consideration.

42. In such view of the matter, this writ petition is allowed with the following directions :-

- i) *The impugned order of mutation of the revenue records by the respondents 1 and 2 by reclassifying the lands in S. No.60 by sub-dividing it as S. Nos.60/1 to 60/5 is set aside and respondents 1 and 2 are directed to mutate the revenue records so as to reflect the name of the pattadar as the deity of Karumbayiram Ayyanar,*



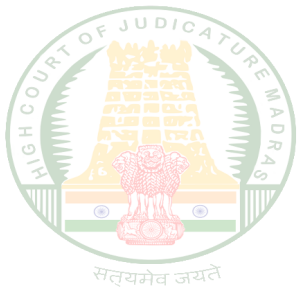
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which procedure shall be completed within a period of two weeks from the date of receipt of a copy of this order.

- ii) *The 1st and 2nd respondents are further directed to take steps to acquire the lands from the HR & CE Department so as to ensure that the court complex is put up in the said place, which would be for the benefit of the general public and at the same time ensuring that the interests of the deity is not jeopardized.*
- iii) *The said action for acquisition shall be taken up and completed within a period of sixty days (60) from the date of receipt of a copy of this order and compliance report in this regard shall be filed before this Court on 15.12.2025.*
- iv) *The interim order granted by this Court shall continue till steps are taken and the lands are acquired in favour of the Judicial Department.*



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- v) *List the matter under the caption “For Reporting Compliance” on 15.12.2025.*
- vi) *Consequently, connected miscellaneous petitions are closed.*

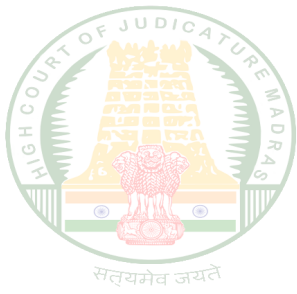
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Note to Office :

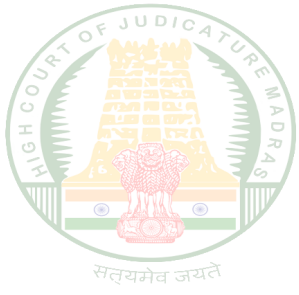
**Issue Order copy on
or before 7th Oct., 2025**



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1. The Secretary to Government
Home, Prohibition & Excise Department
Fort St. George, Chennai 600 009.
2. The District Collector
Ariyalur District
District Collector Office
Ariyalur 621 704.
3. The Commissioner
Hindu Religious & Charitable Endowments
Department, No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 034.
4. The Assistant Commissioner
Hindu Religious & Charitable Endowments
Department, 228, II Floor
District Collector Office, Ariyalur 621 704.
5. The Inspector, Sendurai Division
Hindu Religious & Charitable Endowments
Department, 228, II Floor
District Collector Office, Ariyalur 621 704.
6. The Registrar General
High Court of Judicature at Madras
High Court, Madras.
7. The Principal District Judge
Ariyalur District.



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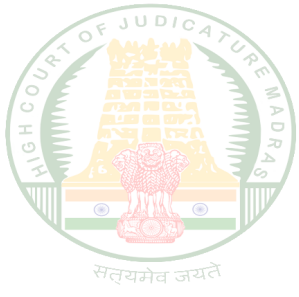
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M.DHANDAPANI, J.

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