

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.04.2026

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10534 of 2026
and
W.M.P(MD)Nos.8237 & 8239 of 2026

S.Packiaraj
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...Petitione

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary,
The Highways and Minor Ports Department,
Fort St. George, Chennai.
- 2.The District Collector,
Madurai District,
Madurai Collectorate, Madurai.
- 3.The Special District Revenue Officer,
Land Acquisition and Highways,
Madurai Collectorate, Madurai.
- 4.The Special Tahsildar,
Land Acquisition and Highways,
Madurai Collectorate, Madurai.
- 5.The Divisional Executive Engineer
State Highways, Madurai-625 002.



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6.Arulmigu Kallalagar Kovil
Rep. by its Executive Officer
O/o. The Deputy Commissioner/Executive Officer
Arulmigu Kallalagar Temple
Alagarkovil, Melur Taluk
Madurai District - 625 301.

... Respondents

For Petitioner : Mr.D.Nallathambi

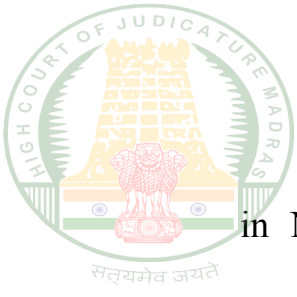
For Respondents : Mr.SRA. Ramachandran, - for R1 to R5
Additional Government Pleader

Mr.V.Chandrasekar - for R6

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records of the Impugned Orders in Na.Ka.No.1544/2025/As.H.1 dated 18.12.2025 and Na.Ka.No.155/2023/As.H.1 dated 07.03.2026 passed by the 3rd respondent and quash the same as illegal, subsequently, direct the 3rd and 4th respondents to disburse the Award Amount of Rs.5,81,332/- (Rupees Five Lakhs Eighty One Thousand Three Hundred and Thirty Two Only) with respect to Award No.05/2023 dated 15.06.2023 and Rs.1,18,92,003/- (Rupees One Crore Eighteen Lakhs Ninety Two Thousand and Three) with respect to Award No.07/2023 dated 12.08.2025 due to the Petitioner herein.

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned orders dated 18.12.2025

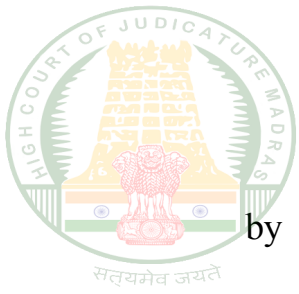


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in Na.Ka.No.1544 /2025/As.H.1 and Na.Ka.No.155/2023/As.H.1 dated 07.03.2026 passed by the 3rd respondent, and consequently direct the 3rd and 4th respondents to disburse the award amounts of Rs.5,81,332/- (Rupees Five Lakhs Eighty-One Thousand Three Hundred and Thirty-Two Only) under Award No.05/2023 dated 15.06.2023 and Rs.1,18,92,003/- (Rupees One Crore Eighteen Lakhs Ninety-Two Thousand and Three Only) under Award No.07/2023 dated 12.08.2025 to the petitioner.

2. Admittedly, the land in question belongs to the petitioner and his family. The subject property was earmarked for conducting the Mandagapadi festival during the Arulmigu Kallazhagar Thirukovil festival. The petitioner's ancestors, namely, Karuppakonar and Karuppasamy Konar, executed a settlement in favour of the said Mandagapadi. Subsequently, the property was acquired by the Highways Department for the purpose of constructing an overbridge and compensation awards were passed in Award Nos.05 of 2023 and 07 of 2023.

3. The grievance of the petitioner in the present writ petition is that,

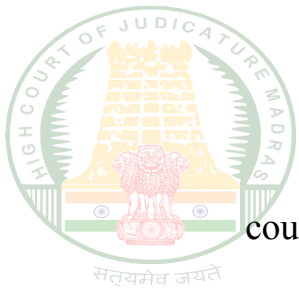


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by the impugned orders, the respondents have refused to disburse the compensation amount on the ground that A.S. No.372 of 1991 is pending on the file of this Court. Further objection was raised by Arulmigu Kallazhagar Temple wherein the temple had stated that the land belongs to the temple and the petitioner is not entitled to receive the compensation. The contention of the petitioner is that the said finding in the impugned orders is erroneous.

4. It is the specific case of the petitioner that the issue regarding the rights of Arulmigu Kallazhagar Temple over the subject property is no longer *res integra*. The property was dedicated only for the purpose of conducting the Mandagapadi, which is a distinct and unique religious practice in Hinduism. The temple is not the beneficiary of such dedication and has no proprietary right or title over the property. Therefore, the issue has already been settled. Consequently, the objection raised by the temple cannot be a ground to withhold the compensation amount payable to the petitioner.

5. The 6th respondent Arulmigu Kallazhagar Temple has filed



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counter affidavit, wherein the objection raised by the 6th respondent is that the land in question has been dedicated to the temple, hence it is temple land. Further it is stated that there are several legal heirs for the original owner, hence the compensation amount cannot be disbursed exclusively to the petitioner. Hence the respondent prayed to dismiss the writ petition.

6. Heard the Mr.D.Nallathambi, the learned Counsel appearing for the petitioner, Mr.SRA. Ramachandran the learned Additional Government Pleader appearing for the respondents 1 to 5 and Mr.V.Chandrasekar, the learned Counsel appearing for the 6th respondent and perused the records.

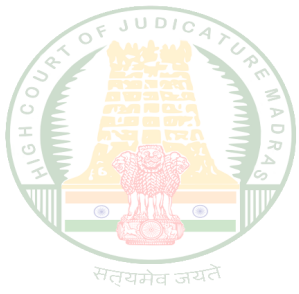
7. The issue raised by the 6th respondent has already been duly considered and rejected by the Court in the judgment of this Court rendered in the case of *Selva Rajakumar v. Commissioner, Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu, Chennai and Others*, reported in **2024 SCC OnLine Mad 12693 : (2024) 6 CTC 434 : (2024) 4 LW 609**. The relevant paragraphs are extracted hereunder:

17. The next contention of the respondents is that the



Thirukkan Mandagapadi is for the Deity of Kallazhagar and the property is endowed for the Deity and Kallazhagar Temple, hence the said endowment is religious endowment and consequently the said endowment ought to be treated as public endowment, then the said endowment would come under the purview of HR&[CE Act](#). But the issue of Mandagapadi was already dealt with by the Hon'ble Supreme Court in the case of Sri Kallalagar Soundaraja Perumal Chitra Poornami Mandakapadi Trust, through its hereditary trustees, Muthiah Konar and another vs. Maruthamalai Ambalam, reported in 1959 (72) LW 646 wherein it is held that the property endowed for mandagapadi cannot be considered as public endowment, since the mandagapadi is not integral part of Chitrapournami Festival of the temple. The relevant portion is extracted here under:

“Before considering that question it is necessary to refer to a contention raised on behalf of the appellants by Mr.T.R.Srinivasan. He contented that the trust created by Ex.A.1 was a public trust. The learned Subordinate Judge held that the trust was only private in character. Under Ex.A.1 provision is made for the construction of a mandapam on a property of the donor and a mandagappadi was directed to be performed to Sri. Soundararaja Perumal during the time of the festival of the temple. The mandagappadi is not an integral part of the Chitrapournami Festival of the temple which is being conducted every year on the sands of the Vaigai. It is in no way connected with it.

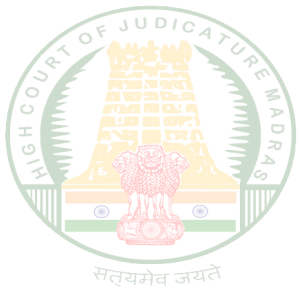


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The occasion of that festival is taken advantage of to perform the worship under the trust when the Deity would be on its way to or from the temple to Madurai for the festival. Such worship which is familiarly known as Mandagappadi is common in our country. The Deity is invited to stop a while and worship is offered at places where the devotees want to worship it. An endowment for the conduct of such worship cannot be a specific endowment as it is in no way connected with the temple or any of its principal festivals. It is intended only for the benefit of the persons offering worship. Such an endowment being neither for the public nor for the performance of any recognized puja or festival of the temple. In Deoki Nandun V. Muralidhar (1) reported in AIR 1957 SCR 133, the Supreme Court held that in the case of a private trust the beneficiaries would be specific individuals while in the case of a public endowment it would be the general public or a class thereof. In the present case, there is no difficulty in finding that the intention of the donor was to secure spiritual benefit to Mooka Konar and his family. I am of opinion that the conclusion of the lower Court that the trust is a private one is correct”.

18. In the above case one Mooka Konar had created the endowment for Mandagapadi of Kallazhagar and while considering the same the Hon'ble Supreme Court had held that the concept of Mandagapadi is unique and it is generally



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practiced in our country and especially in Tamil Nadu. In Mandagapadi the deity is invited to stop a while and worship is offered at places where the devotees want to worship it. For carrying out such worship, a specific endowment is created and it is in no way connected with the temple or any of its principal festivals.

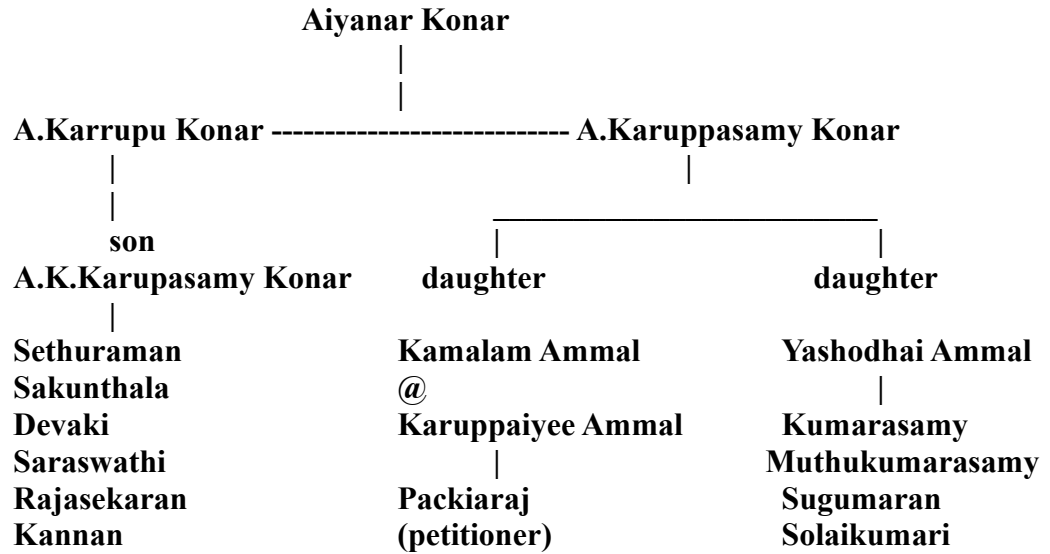
This Court had elaborately considered the issue and has held that the property dedicated for conducting “Mandagapadi”, which practice is a distinct and unique religious practice in Hinduism, then the temple cannot claim right over the property. Infact the temple is not the beneficiary of such dedication to conduct Mandagapadi, therefore the temple has no proprietary right or title over the property. When the said issue has already been considered and settled, then the objection raised by the temple cannot be a ground to withhold the compensation amount payable to the petitioner. Therefore this Court is inclined to interfere with the impugned order.

7. The next contention raised by the learned Additional Government Pleader appearing for the respondents is that there are several legal heirs for the original owner, hence the compensation amount cannot be disbursed exclusively to the petitioner. The petitioner had produced the



family tree which is reproduced hereunder:

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9. It was brought to the notice of this Court that the compensation amount ought to be disbursed by apportioning it among the legal heirs of Karuppakonar and Karuppasamy Konar. Further the legal heirs of the above stated legal heirs had submitted affidavit to disburse after apportioning the award. This Court has perused the affidavits filed by the legal heirs. Visalakshi, wife of Muthukrishnan, along with the other legal heirs, has jointly executed an affidavit. Another joint affidavit has been filed by Santhi, daughter of Rajasekaran, along with Kalarani and Venkateswari. Saravana Devi, wife of Devaraj, along with the other legal heirs, has also filed a separate affidavit. Likewise, Selvarajan and the other

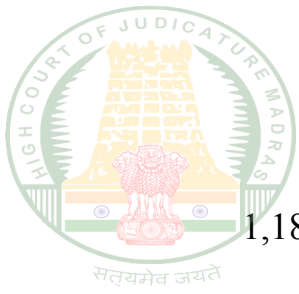


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legal heirs have filed a separate affidavit. Yasothai, wife of Pazhanikumarasamy, has also filed an independent affidavit. None of the legal heirs has raised any objection to the disbursement of the compensation amount among the legal heirs. Therefore, the contention raised by the respondents that there is no consensus among the legal heirs for disbursement of the compensation amount is factually incorrect, hence the objection is rejected.

10. However, the petitioner ought to produce another family tree indicating the relationship between the legal heirs stated supra and the persons who have executed above affidavits.

11. Accordingly, the impugned orders in Na.Ka.No.1544/2025/As.H.1 dated 18.12.2025 and Na.Ka.No.155/2023/As.H.1 dated 07.03.2026 passed by the 3rd respondent are hereby quashed. The petitioner shall produce another family tree as directed in the above paragraph. The petitioner's share in the award amount of Rs.5,81,332/- (Rupees Five Lakhs Eighty-One Thousand Three Hundred and Thirty-Two Only) under Award No.05/2023 dated 15.06.2023 and share in the award amount in Rs.



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1,18,92,003/- (Rupees One Crore Eighteen Lakhs Ninety-Two Thousand and Three Only) under Award No.07/2023 dated 12.08.2025 is hereby confirmed. The said amounts shall be disbursed to the petitioner and other legal heirs after confirming the list of legal heirs within a period of four months from the date of receipt of a copy of this order.

12. With the above directions, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

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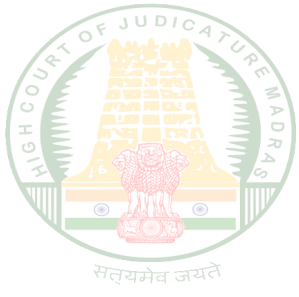
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To

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S.SRIMATHY, J.

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