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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2026**

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.P.(MD)No.26210 of 2025

Nagarajan

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District, Nagercoil.
- 2.The Commissioner,
Hindu Religious and
Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungampakkam, Chennai-600 034.
- 3.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Department,
Kanyakumari District,
Office at Suchindram-629 704.
- 4.The Superintendent of Police,
Indian Archeological Department,
St.George Fort, Chennai-600 009.
- 5.The Manager,
Arulmigu Kanyakumari Pagavathiammal Thirukovil,
Kanyakumari,
Kanyakumari District.



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6.J.Kamlesh Kumar

7.P.Muthu Kumar

8.Selva Chidambaram

9.P.Noordeen

10.P.Murugan

11.Muthukumar

12.M.Murugan

13.M.Katchi Mohammed

14.N.Mohamed Sulaiman

15.S.Suthan

16.Kamalesh Kumar

... Respondents

[R12 to R16 are impleaded vide order dated 29.10.2025]

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner representation dated 26.06.2025 and to restore the 'Kanniyambalam' Kal Mandapam in Arulmighu Bagavathiamman Thirukovil situated at 17th Ward, Kanyakumari Municipality, Kanyakumari for its original position by removing the structures constructed by the rental shop owners within stipulated time.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.J.Ashok (R1, R2 & R4)

Additional Government Pleader

Mr.R.Shankar Ganesh (R3 & R5)

Mr.R.Murali (R6 & R7)

Mr.R.Balakrishnan (R8 to R11)

Mr.P.T.Ramesh Raja (R12 to R16)



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ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

On 22.09.2025, this Court after considering the plea raised in this writ petition and photographs annexed, passed the following order:

“Mr.J.Ashok, learned Additional Government Pleader accepts notice for R1, R2 & R4 and will also confirm if the temple is under the control of the Archaeological Department.

2. Mr.R.Shankar Ganesh, learned counsel accepts notice for R3 and R5.

3. The pictures which have been filed along with the compilation indicate prima facie that the shops that are located outside the temple have put up brick work, which is introducing into the mandapam itself. Such brickwork be removed immediately and forthwith. We are also given to understand that there are shops within mandapam itself. It is made clear that there can be no commercial activity that takes place inside the temple Mandapam.

*4.List on **06.10.2025.**”*

2.The persons, in occupation of the mandapam and the place around the mandapam and carrying on commercial activity claiming themselves as tenants under the HR & CE Department, had been impleaded as respondents 6 to 16 after their Special Leave Petition got dismissed before the Hon'ble Supreme Court.



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3.We are shocked to see how an ancient structure containing sculptures with excellent artistic work has been let out for rent by the HR & CE Department unmindful of their responsibility to protect the antique structure. Wastage materials, construction materials and other debris are kept inside the mandapam.

4.The Joint Commissioner had involved in exploiting the temple property for financial gain. The writ petitioners, who are arrayed as respondents 6 to 16 in this writ petition, can have no right to occupy or damage the antique and ancient structures of the Temple, on the strength of the illegal permission granted by the Joint Commissioner, HR & CE Department. Allowing them to be in the mandapam even a day more, will continue the deterioration of the building. Therefore, to arrest further deterioration, it is necessary to direct the second respondent/Joint Commissioner, HR & CE Department, Kanniyakumari to take necessary assistance from the Police and remove the entire encroachment, seal it and file a report along with photographs on or before 12.02.2026.



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5. In view of the failure of protecting the temple property, further course of action to be taken against the erred officials, will be considered in the next hearing.

6. Call the matter on 12.02.2026 at 02.15 p.m..

[G.J., J.] & [K.K.R.K., J.]
10.02.2026

Index : Yes/No

Internet : Yes

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To

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Charitable Endowment Department,
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4. The Superintendent of Police,
Indian Archeological Department,
St. George Fort, Chennai-600 009.

5. The Manager,
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Kanyakumari,
Kanyakumari District.

Copy to:

The Inspector of Police,
Mandaikadu, Kanyakumari District.



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DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

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