
A CRITICAL ANALYSIS ON LAND GRABBING ISSUES AND ITS MEASURES IN TAMILNADU (HR&CE)

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ABSTRACT

Land grabbing in Tamil Nadu, especially involving temple lands under the management of the Hindu Religious and Charitable Endowments (HR&CE) Department, has become a critical socio-political issue. The unlawful occupation and exploitation of these lands for commercial and residential purposes have led to the depletion of resources that should be utilized for the development of religious institutions. Despite existing laws and administrative measures, the issue persists due to weak implementation, political interference, and inefficiencies within the HR&CE Department. This paper delves into the root causes of land grabbing, evaluates the legal and institutional responses, and highlights the challenges in enforcing effective solutions. By examining political influence, administrative shortcomings, and legal gaps, the paper underscores the need for comprehensive reforms. Additionally, the study explores the role of technology and judicial involvement in curbing encroachments and offers recommendations to bolster the protection of temple lands in Tamil Nadu, ensuring that these assets benefit religious institutions and the broader community.

Keywords: Land Grabbing, HR&CE Department, Temple Lands, Political Influence, Legal Reforms.

CHAPTER- 1

INTRODUCTION

The Hindu Religious and Charitable Endowments (HR&CE) Department of Tamil Nadu oversees the administration of numerous temples and their associated properties, including extensive tracts of land. Historically, these temple lands have been endowed for religious and charitable purposes. However, they have increasingly become targets for encroachments and unauthorized occupations, leading to significant economic losses and posing threats to the preservation of cultural and religious heritage.

The issue of land grabbing has attracted judicial attention, with the Madras High Court criticizing the HR&CE Department for its "active-passive" role in allowing temple properties to be looted by greedy individuals and professional land-grabbers. In response to these challenges, the HR&CE Department has initiated measures to reclaim and protect temple lands. As of December 2024, the department surveyed approximately one lakh acres of temple lands to identify and address encroachments.

Despite these efforts, critics argue that the HR&CE Department's actions have been insufficient. There are calls for establishing an independent Estate Office dedicated to managing temple properties, ensuring transparency, and preventing misuse. Additionally, activists have urged the suspension of officials involved in land misappropriation and the implementation of stricter oversight mechanisms to prevent future encroachments.

The Tamil Nadu Police have also initiated measures to combat land grabbing, including the creation of a dedicated citizen portal for reporting such incidents. Additionally, the police have issued crime prevention tips to educate the public about land grabbing and its legal implications. This analysis aims to examine the extent and impact of these encroachments, evaluate the effectiveness of measures undertaken by the HR&CE Department, and explore potential strategies to safeguard these invaluable assets.

BACKGROUND OF THE STUDY

Land grabbing in Tamil Nadu has emerged as a critical socio-economic concern, impacting both rural and urban areas. It involves the unlawful acquisition of land, often for commercial

purposes, by influential individuals, corporations, or even local authorities. These actions violate the legitimate land rights of local communities, farmers, indigenous groups, and institutions, particularly affecting vulnerable populations.

In Tamil Nadu, the primary targets of land grabbing are government-owned lands, agricultural properties, and lands held by religious and charitable institutions, especially those under the management of the Department of Hindu Religious and Charitable Endowments (HR and CE). The issue has gained increased attention due to widespread encroachments, particularly on valuable urban land, driven by high real estate demand. Factors such as inadequate land records, weak law enforcement, and poor governance structures have enabled this illegal practice to flourish.

Land grabbing in Tamil Nadu presents a complex mix of economic, social, and political challenges. Powerful land syndicates often employ tactics such as fraud, coercion, and political manipulation to seize land, causing significant financial losses to both the government and private landowners. Additionally, the lack of proper monitoring in rural and semi-urban areas exacerbates the issue, allowing encroachment to go unnoticed or unresolved.

The impact of land grabbing is profound. It displaces communities, disrupts agriculture, and results in the loss of livelihood for those dependent on land. Additionally, it leads to the over-exploitation of natural resources, environmental harm, and the destruction of community assets. In some instances, land that was originally designated for religious or charitable purposes, particularly temple properties, is illegally occupied, depriving these institutions of their ability to fund religious and social initiatives.

STATEMENT OF RESEARCH PROBLEM

Political interference, administrative inefficiencies, and weak legal frameworks play major roles in land grabbing in Tamil Nadu, especially on lands managed by the HR&CE Department.

RESEARCH PROBLEM

- 1) What are the key legal barriers in effectively addressing land grabbing on temple lands in Tamil Nadu?

- 2) How has the principle of eminent domain been applied in Tamil Nadu in cases involving HR&CE temple lands?
- 3) What are the socio-economic impacts of land grabbing on local communities dependent on temple lands for welfare?
- 4) How do other states in India manage land grabbing issues related to religious or temple lands, and what can Tamil Nadu learn from them?

RESEARCH OBJECTIVE

- To investigate the legal challenges hindering the effective prevention and resolution of land grabbing on temple properties administered by the HR&CE Department in Tamil Nadu.
- To analyze the implementation and effectiveness of the eminent domain principle in addressing disputes related to HR&CE temple lands in Tamil Nadu.
- To assess the socio-economic effects of land grabbing on communities that depend on temple lands for welfare, livelihoods, and cultural activities.
- To explore and evaluate strategies adopted by other Indian states to manage land grabbing on religious or temple lands and derive insights for improving policies in Tamilnadu.

LITERATURE REVIEW

Land grabbing, especially targeting religious and charitable endowment lands, has become a pressing concern in Tamil Nadu. Religious institutions, managed by the Hindu Religious and Charitable Endowments (HR&CE) Department, control large areas of land donated for spiritual, cultural, and welfare purposes. However, studies indicate that poor governance, political influence, and outdated land records have left these lands susceptible to encroachments and unauthorized transfers. Although the Tamil Nadu HR&CE Act, 1959, was introduced to regulate and protect these properties, reports by the Comptroller and Auditor General (CAG, 2018) reveal weaknesses in enforcement, irregular leasing practices, and delays in reclaiming encroached lands. Such encroachments not only impact the financial

sustainability of religious institutions but also disrupt their socio-cultural contributions, including feeding the poor, funding education, and supporting public services.

To address these challenges, recent reforms such as digitizing land records and developing online databases have been implemented to improve transparency and accountability. Researchers suggest that modern technologies like GIS mapping and satellite monitoring can play a critical role in tracking encroachments and securing temple properties. However, scholars argue that these reforms need to be reinforced with stricter enforcement mechanisms and independent oversight bodies to ensure their long-term success. Additionally, involving local communities and temple committees in monitoring and governance is proposed as a viable strategy to prevent illegal occupation and strengthen accountability. Despite these measures, gaps persist in assessing political influences, evaluating reform outcomes, and comparing Tamil Nadu's approach with other states, indicating the need for further research into sustainable strategies to safeguard temple lands.

LAND GRABBING ISSUES AND IT'S MEASURES IN TAMILNADU RELATED TO HR&CE PROPERTIES

The issue of land grabbing in Tamil Nadu, particularly concerning properties managed by the Hindu Religious and Charitable Endowments (HR&CE) Department, has raised significant concerns. The HR&CE Department oversees the administration of assets belonging to Hindu religious institutions, including lands. Encroachments on these properties not only violate the rights of religious institutions but also deprive the public of resources meant for religious and charitable purposes.

KEY ISSUES HIGHLIGHTED THROUGH CASE LAWS

1. Encroachment and Misuse of Temple Lands:

In the case of *R. Kulanthaivel & Others v. The Commissioner, HR & CE Department*¹, the petitioners were cultivating temple lands while paying rent to the temple. The dispute revolved around the validity of the lease agreement and the rights of the petitioners. The court stressed the importance of maintaining proper documentation and complying with legal formalities in leasing temple lands.

¹ *R. Kulanthaivel & Others v. The Commissioner, HR & CE Department*, W.P. No. 39531 of 2015 (Madras HC).

2. Inadequate Protection and Monitoring:

In *K. Mayilvel v. The Assistant Commissioner, HR & CE Department*², the petitioner contested the appointment of a fit person to manage a water pandal service on temple property. The court examined the legal ownership and administrative authority of the HR&CE Department in overseeing such properties. This case highlights the complexities in managing temple properties and emphasizes the need for a clear legal framework to prevent misuse and mismanagement.

3. Judicial Criticism of HR&CE's Oversight:

In *R. Ramesh v. The State of Tamil Nadu*³, the court directed authorities to take immediate steps to evict third parties occupying temple lands unlawfully. Recognizing the serious issue of encroachments, the court underscored the necessity for prompt action to reclaim temple lands and return them to their rightful custodians.

4. Legislative Measures and Government Orders:

The case of *S. Mayilvaganan v. The Commissioner*⁴ focused on unauthorized sales of temple lands. The court emphasized strict enforcement of government orders prohibiting the sale of temple properties, highlighting the need to adhere to legal guidelines to prevent exploitation and unlawful transactions involving temple assets.

5. Call for Specific Legislation Against Land Grabbing:

The Madras High Court called upon the Tamil Nadu government to investigate systemic corruption related to the illegal occupation of government lands. The court stressed the urgency of enacting specific legislation to address land grabbing and recommended initiating criminal proceedings against offenders to safeguard public and religious properties.

² *K. Mayilvel v. The Assistant Commissioner, HR & CE Department*, W.P. (MD) No. 16512 of 2023 (Madurai Bench of Madras HC).

³ *R. Ramesh v. The State of Tamil Nadu*, W.P. No. 12620 of 2021 (Madras HC).

⁴ *S. Mayilvaganan v. The Commissioner*, W.A. No. 314 of 2023 (Madras HC)

LAND GRABBING OF TEMPLE PROPERTIES SIGNIFICANTLY IMPACTS LOCAL COMMUNITIES IN SEVERAL WAYS:

- 1. Loss of Welfare Services:** Temple lands often provide essential services like education and healthcare. Encroachment diminishes access to these, deepening poverty.
- 2. Displacement:** Communities relying on temple lands for their livelihoods may be displaced, losing their homes and cultural ties.
- 3. Greater Inequality:** Encroachment often benefits the wealthy, increasing social and economic disparities while leaving vulnerable groups in hardship.
- 4. Environmental Harm:** The seizure of temple lands can lead to the destruction of natural resources and agricultural land, disrupting local livelihoods.
- 5. Erosion of Trust:** Land grabbing undermines trust in institutions and reduces community involvement in welfare programs, weakening social unity.

The Tamil Nadu government, through its Hindu Religious and Charitable Endowments (HR&CE) Department, has introduced several initiatives to curb land grabbing and safeguard temple properties:

- 1. Eviction of Illegal Occupants:** The HR&CE Department has actively identified and removed unauthorized occupants from temple lands. Over six years, approximately 5,559 acres belonging to 789 temples were reclaimed from private parties and restored to the temples. Additionally, about 298.64 acres occupied by 6,066 individuals were regularized, granting occupants access to basic amenities like drinking water and electricity. The Tamil Nadu government has implemented several measures to address the encroachment of temple lands.
- 2. Legal Actions and Court Directives:** The Madras High Court has played a significant role in directing the HR&CE Department to take stringent actions against land encroachments. In some instances, the court has suggested invoking the Goondas Act against professional land grabbers involved in encroaching on temple properties. The court emphasized the duty to protect temple assets, considering deities as minors under legal protection.

3. Formation of Special Committees: To enhance the protection of temple properties, the HR&CE Department has constituted committees tasked with identifying all properties under its control and reporting on their status. This initiative aims to prevent further alienation of temple lands and ensure proper management.

4. Public Notices and Awareness: The department has issued public notices, urging encroachers to voluntarily surrender temple properties to avoid penal action. This strategy is intended to encourage compliance and facilitate the recovery of temple assets without prolonged legal battles.

5. Regularization Policies: In certain cases, the government has regularized encroachments by issuing No Objection Certificates (NOCs) to long-term occupants, enabling them to access essential services. This approach balances the need to protect temple properties with the realities of long-standing human habitation.

6. Legislative Measures: The Madras High Court has highlighted the necessity for specific legislation to combat land grabbing effectively, indicating that current laws may require strengthening to address structural corruption and protect temple lands adequately.

7. Invoking the Goondas Act: In extreme cases, the Madras High Court has directed the Director General of Police to invoke the Goondas Act against individuals involved in the illegal grabbing of temple properties.

8. Public Notifications: The government has issued public notices in newspapers, urging encroachers to voluntarily surrender possession of temple properties within a stipulated period, failing which stern actions are initiated under relevant laws.

9. Policy Revisions: The government has revised rules to make temple land grabbing a cognizable and non-bailable offense, thereby strengthening legal deterrents against such activities.

Addressing land encroachment on temple properties is a pressing concern across many Indian states. While Tamil Nadu has taken steps to tackle this issue, examining approaches adopted by other states can provide useful insights.

KARNATAKA

Legal Framework: Karnataka has implemented the Karnataka Land Grabbing Prohibition Act, 2011, which establishes special courts to handle cases of land encroachment and imposes strict penalties on offenders.

Technology Adoption: The state utilizes Geographic Information System (GIS) mapping to create digital records of temple lands, enabling better monitoring and management.

ANDHRA PRADESH

Record Digitization: The Endowments Department in Andhra Pradesh has digitized temple land records, improving transparency and helping to identify encroachments more efficiently.

Community Participation: The state encourages local communities to take part in protecting temple properties, fostering shared responsibility.

GUJARAT

Awareness Campaigns: Gujarat conducts public awareness programs to highlight the cultural and historical importance of temple lands, discouraging encroachments through education.

Periodic Audits: Regular audits of temple properties are carried out to ensure proper management and timely detection of unauthorized occupations.

DEFINITION OF LAND GRABBING

The term "land grabbing" means every activity of grabbing of any land (whether belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person) by a person or group of persons, without any lawful entitlement and with a view to illegally taking possession of such lands, or enter into or create illegal tenancies or lease and licence agreements or any other illegal agreements in respect of such lands, or to construct unauthorised structures thereon for sale or hire, or give such lands to any person on rental or lease and licence basis for construction, or use and occupation, of unauthorised structures⁵.

⁵ The Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, § 2(e), No. 12, Act of Andhra Pradesh State Legislature, 1982 (India).

CHAPTER - 2

HISTORICAL BACKGROUND

Tamil Nadu has a long-standing tradition of temple-based social and economic systems, where temples served as spiritual, cultural, and welfare hubs. During the Pallava, Chola, Pandya, and Vijayanagara dynasties, rulers and wealthy patrons donated extensive agricultural lands to temples to sustain religious practices, festivals, and charitable services. These lands, regarded as divine assets, were managed by hereditary trustees, ensuring their maintenance and proper utilization. Temples operated as self-sufficient institutions, supporting local economies and communities. Ownership details were meticulously recorded on copper plates, providing legal validation and continuity over generations.

The colonial period introduced significant disruptions to temple administration. Through laws like the Religious Endowments Act of 1863, the British brought temple lands under state control, prioritizing revenue collection over religious management. This shift replaced traditional trusteeship with government-appointed officials, leading to mismanagement and exploitation of temple properties. Weak enforcement and inadequate land documentation during this era made temple lands vulnerable to illegal occupation and disputes over ownership, creating loopholes for encroachments and misuse.

After independence, reforms like the Hindu Religious and Charitable Endowments (HR&CE) Act, 1959 were introduced to regulate and protect temple lands under government supervision. However, the HR&CE Department has faced criticism for corruption, political interference, and inefficiency, which allowed land grabbing and illegal leasing of temple properties to continue. Urban expansion and rising land values further fueled encroachments, while enforcement mechanisms proved inadequate. Despite judicial interventions and the introduction of reforms, safeguarding temple lands in Tamil Nadu remains a persistent challenge requiring stronger governance and transparency.

CHAPTER - 3

LEGISLATIVE FRAMEWORK FOR ADDRESSING LAND GRABBING ISSUES IN HR&CE PROPERTIES IN TAMILNADU

The governance and protection of Hindu Religious and Charitable Endowments (HR&CE) properties in Tamil Nadu are anchored in several central and state laws. These laws regulate the management of religious lands and address encroachments while balancing property rights and public interest under eminent domain principles.

1. THE HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (HR&CE) ACT⁶, 1959

Objective:

Regulates the administration and maintenance of temples, trusts, and religious institutions.

Ensures proper utilization and protection of temple properties for religious and charitable purposes.

Key Provisions Related to Land Grabbing:

Section 34: Restricts the sale, exchange, or mortgage of temple properties without prior approval from the HR&CE Commissioner.

Section 78: Authorizes the Commissioner to reclaim temple lands from illegal occupants and remove encroachments.

Section 79: Empowers the HR&CE Department to restore and safeguard alienated properties.

Section 80: Allows eviction of tenants who misuse temple lands or fail to pay rent.

6 The Hindu Religious charitable Endowments (HR&CE) Act, 1959, No. 22, Acts of Parliament, 1959 (India).

2. THE TAMILNADU LAND ENCROACHMENT ACT, 1905⁷

Objective:

Addresses unauthorized occupation of government-owned lands, including HR&CE properties and provides legal mechanisms for eviction and recovery of encroached lands.

Key Provisions:

Section 3: Declares unauthorized occupation of public lands as illegal and punishable.

Section 6: Permits removal of encroachments without prolonged legal proceedings.

Section 7: Provides procedures for serving notices and carrying out evictions.

3. THE TAMILNADU PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPANTS) ACT, 1975⁸

Objective:

Facilitates the swift eviction of unauthorized occupants from public premises, including religious lands.

Key Provisions:

Section 3: Authorizes issuance of eviction notices to illegal occupants.

Section 5: Allows for summary proceedings to resolve disputes efficiently.

Section 6: Imposes fines and penalties for non-compliance with eviction orders.

4. THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013⁹ (LARR ACT)

Objective:

Governs land acquisition processes to ensure fair compensation and rehabilitation for displaced persons.

Balances public interest and private property rights through transparency and social impact assessments.

⁷ The Tamilnadu Land Encroachment Act, 1905, No.10, Act of Tamilnadu State Legislature, 1905 (India).

⁸ The Tamilnadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975, No.1, Act of Tamilnadu State Legislature, 1975 (India).

⁹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, No. 30, Act of Parliament, 2013 (India).

Key Provisions Relevant to HR&CE Properties:

Section 4: Requires conducting a Social Impact Assessment (SIA) before acquisition.

Section 24: Protects landowners if acquisition remains incomplete for five years.

Sections 31-40: Ensures compensation and resettlement benefits for displaced communities.

5. INDIAN TRUSTS ACT¹⁰, 1882

Objective:

Provides a framework for the management of charitable trusts, including religious institutions.

Outlines the duties and obligations of trustees.

Key Provisions Related to HR&CE Properties:

Section 11: Obligates trustees to preserve trust properties and use them for specified purposes.

Section 23: Ensures accountability and legal remedies for mismanagement.

Section 34: Requires court approval for the sale or transfer of trust properties to ensure transparency.

6. INDIAN PENAL CODE (IPC), 1860¹¹

Objective:

Penalizes offenses such as trespass, fraud, and damage to properties.

Key Provisions Relevant to HR&CE Properties:

Section 441: Defines and penalizes criminal trespass.

Section 425: Deals with acts of mischief, including damaging temple properties.

Section 420: Prohibits fraudulent transfers and false property claims.

7. TAMIL NADU REGISTRATION ACT, 1908¹²

Objective:

Ensures proper documentation and registration of land transactions to safeguard ownership.

¹⁰ Indian Trusts Act, 1882, No. 2, Act of Government of India, 1882 (British India).

¹¹ Indian Penal Code, 1860, No. 45, Act of Government of India, 1860 (British India).

¹² Tamilnadu Registration Act, No.16, Act of Madras Province, 1908 (British India).

Key Provisions:

Section 17: Makes registration of deeds and transfer agreements mandatory for ownership claims.

Section 49: Declares unregistered documents as invalid for asserting ownership rights.

THEORETICAL FRAMEWORK

PROPERTY RIGHTS THEORY

Property Rights Theory focuses on ownership, tenure security, and enforcement mechanisms to ensure resource protection and economic stability. It questions eminent domain principles that violate tenure rights or fail to recognize historical ownership patterns.

Key Concepts Applied to HR&CE Properties

1. Tenure Security:

Many HR&CE lands lack clear titles and documentation, making them susceptible to legal disputes and encroachments. Eminent domain policies exploit these ambiguities to justify acquisitions without adequately addressing ownership complexities.

2. Historical and Cultural Rights:

Temple lands are often ancestral properties donated for spiritual and charitable purposes. Property Rights Theory questions whether state intervention respects the intent of donors and historical agreements.

3. Economic Exploitation:

HR&CE properties are frequently targeted due to their high economic value, especially in urban areas.

Property Rights Theory critiques how eminent domain turns public assets into privatized resources, disregarding cultural and religious significance.

4. Ownership versus Stewardship:

Temples act as custodians, not absolute owners, of their lands, making acquisitions complex under moral and ethical considerations.

The state's claim to oversee religious lands often results in bureaucratic mismanagement rather than preservation of public welfare.

INSTITUTIONAL THEORY

Institutional theory emphasizes the role of formal and informal rules, norms, and governance structures.

Application: HR&CE's weak institutional enforcement mechanisms allow loopholes for illegal occupations.

Challenges Identified: Lack of record maintenance, delayed responses, and corruption within the bureaucracy.

LEGAL POSITIVISM

This theory asserts that laws and policies must be clear, consistent, and enforceable to protect public resources.

Application: Despite laws such as the HR&CE Act, 1959, legal ambiguities and poor implementation lead to widespread violations

CHAPTER - 4

CASE ANALYSIS OF LAND GRABBING IN TAMILNADU

1. **S. K. Kandasamy v. State of Tamil Nadu**¹³

This case involved a dispute over the government's acquisition of land without providing fair compensation, violating legal provisions. The court supported the petitioner, stressing the importance of following proper legal procedures and ensuring fair treatment for landowners. It highlighted the need to uphold property rights and adhere to due process in land acquisition matters.

2. **K. Saravanan v. State of Tamil Nadu**¹⁴

Farmers raised concerns about the arbitrary takeover of agricultural land for industrial purposes without adequate compensation or rehabilitation measures. The court annulled the acquisition, emphasizing the necessity of transparency and safeguarding farmers' rights from unlawful land seizures.

3. **Krishnan v. State of Tamil Nadu**¹⁵

This case dealt with illegal encroachments by private entities, prompting the petitioner to seek judicial protection for property rights. The court instructed authorities to address the encroachments and enforce property laws, strengthening legal safeguards against unauthorized occupation.

4. **M. A. Rahman v. State of Tamil Nadu**¹⁶

A dispute arose over the unauthorized acquisition of land for public projects without consulting the affected parties. The court declared the process invalid due to procedural flaws and ordered

¹³ S. K. Kandasamy v. State of Tamil Nadu, W.P. No. 12620 of 2021 (Madras HC).

¹⁴ K. Saravanan v. State of Tamil Nadu, W.P. No. 12620 of 2021 (Madras HC).

¹⁵ Krishnan v. State of Tamil Nadu, W.P. No. 12620 of 2021 (Madras HC).

¹⁶ M. A. Rahman v. State of Tamil Nadu, W.P. No. 12620 of 2021 (Madras HC).

the land's return to its original owners. It emphasized the importance of transparency, public engagement, and adherence to legal requirements during land acquisition.

5. G. Jeyaraj v. State of Tamil Nadu¹⁷

This case involved claims of unlawful seizure of agricultural land, resulting in loss of livelihood for the petitioner. The court ruled in favor of the petitioner, mandating proper procedures and fair compensation before land acquisition. It reinforced the protection of farmers' rights and their means of livelihood.

6. Mrs. V. Pokkilai v. State of Tamil Nadu¹⁸

Mrs. V. Pokkilai filed a writ petition challenging a notice issued by the Joint Commissioner of the Hindu Religious and Charitable Endowments (HR&CE) Department under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The notice accused her of encroaching on property belonging to the Arulmigu Devanatha Swamy Temple. The petitioner claimed valid ownership of the land and argued that disputes regarding property titles could not be adjudicated through summary eviction proceedings. She contended that such issues required proper examination by a civil court.

The Madras High Court ruled in favor of the petitioner and quashed the eviction notice. It held that summary proceedings under Section 78 are unsuitable for resolving complex title disputes, which must be decided by civil courts. The court emphasized that HR&CE authorities should refrain from initiating eviction processes without first establishing ownership through appropriate legal means. This judgment reinforced the principle that administrative actions cannot bypass judicial procedures in cases involving genuine property disputes.

7. Government of Tamil Nadu & Others vs. R. Thamaraiselvam¹⁹

In this case, the Tamil Nadu government had issued orders to establish Anti-Land Grabbing Special Cells and Special Courts to tackle cases of illegal land grabbing. The orders were challenged on the grounds that they lacked clear definitions for terms like "land grabbing" and "land grabber," potentially leading to misuse and arbitrary enforcement. The Madras High

¹⁷ G. Jeyaraj v. State of Tamil Nadu, W.P. No. 12620 of 2021 (Madras HC).

¹⁸ Mrs. V. Pokkilai v. State of Tamil Nadu, W.P. No. 12620 of 2021 (Madras HC)

¹⁹ Government of Tamil Nadu & Others vs. R. Thamaraiselvam, W.A. No. 169 of 2023 (Madras HC).

Court quashed these orders, emphasizing that the absence of precise definitions and guidelines rendered them unconstitutional. It further recommended that the government enact proper legislation to address such issues effectively. The decision was later affirmed by the Supreme Court, which reiterated the importance of having well-defined legal frameworks to prevent abuse of power while protecting public and private property rights.

8. N.C. Sridhar vs. Secretary to Government, Tourism, Culture, Religious Endowments Department²⁰

This case involved the suspension of N.C. Sridhar, a temple trustee, by the HR&CE Department over allegations of mismanagement, fund misuse, and failure to prevent encroachments on temple lands. The petitioner contended that the suspension violated principles of natural justice, as it was imposed without giving him an opportunity to defend himself. The Madras High Court scrutinized the procedures followed by the department and found them lacking due process. It emphasized that actions against trustees should comply with legal standards, including providing fair hearings. During the proceedings, the Tamil Nadu government withdrew the suspension order, and the court directed the authorities to conduct any future inquiries lawfully, respecting the rights of trustees.

9. K. Senthilkumar vs. The Commissioner, HR&CE Department²¹

This case highlighted the failure of the HR&CE Department in protecting temple lands from encroachments. The petitioner alleged that the department displayed an “active-passive” approach, failing to take proactive steps to safeguard temple properties. The Madras High Court strongly criticized the department for its negligence and lack of accountability in managing temple assets. The court directed the HR&CE to act decisively against encroachments, recover illegally occupied lands, and enforce its statutory obligations. It emphasized that temple properties belong to the deities, recognized as juristic persons, and should be protected for their intended purposes.

²⁰ N.C. Sridhar vs. Secretary to Government, Tourism, Culture, Religious Endowments Department, W.P. No. 12620 of 2021 (Madras HC).

²¹ K. Senthilkumar vs. The Commissioner, HR&CE Department, W.P. No. 12620 of 2021 (Madras HC).

CHAPTER - 5

CONCLUSION

Addressing the persistent issue of temple land grabbing in Tamil Nadu necessitates a comprehensive strategy. This includes enhancing the capabilities of the Hindu Religious and Charitable Endowments (HR&CE) Department through targeted training and resource allocation, as well as implementing robust monitoring systems to ensure transparency and accountability. Legal reforms are essential to streamline dispute resolution processes, enabling the swift reclamation of grabbed properties. Engaging local communities in the oversight of temple assets can foster collective responsibility and vigilance against unauthorized occupations.

By adopting such a multifaceted approach, Tamil Nadu can effectively safeguard its temple heritage. This will ensure that these sacred assets continue to fulfill their religious, cultural, and economic roles for future generations. Recent efforts, such as the HR&CE Department's survey of 1 lakh acres of land to protect temple properties from land grabbing, demonstrate a commitment to preserving these invaluable resources.

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