



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 27856 of 2026

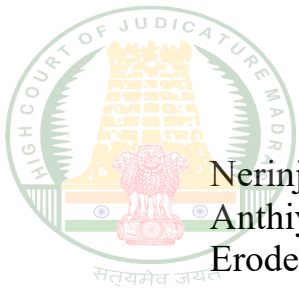
and WMP No.30511 of 2026

N.K.Rajendran
S/o Late karuppanna Gounder,
Door No 87/97 Aariyagoundanur,
Mariyankaudu Thottam
Neriniijipettai Post,
Anthiyur TTaluk,
Erode District 638 311

..Petitioner(s)

Vs

1. The Commissioner
Tamil Nadu Hindu Religious And Endowments
Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034
2. The Joint Commissioner
Hindu Religious And Endowment Department,
Erode
3. The Assistant Commissioner
Hindu Religious And Endowment Department
Erode
4. Thiru Aalangkadu Immudi Akora
Dharmashivachariyar Aayera Vysyar Madam,
Represented By Its Chairman,



Nerinjipettai,
Anthiyur Taluk,
Erode District 638 111

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..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Certiorari calling for the records pertaining to the proceedings of the 2nd respondent by vide proceedings in Miscellaneous Petition No. 08/ 2026 / AA1 dated 02.03.2026 and to quash the same.

For Petitioner(s): Ms.V.S.Usharani

For Respondent(s): Mr. M.Veerabathran Prasanth
Government Counsel for (HR & CE)

ORDER

The present Writ Petition has been filed challenging the impugned notice dated 02.03.2026 issued by the second respondent under Section 78(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, treating the petitioner as an encroacher.

2. The learned counsel for the petitioner submitted that the petitioner has been in lawful cultivation and possession of the subject land as a tenant since the year 2012 and, therefore, cannot be treated as an encroacher. It was further



submitted that fair rent had already been fixed by the competent authority and that the petitioner has been regularly paying the same. Despite the subsisting tenancy and payment of fair rent, the impugned notice has been issued treating the petitioner as an encroacher and calling upon him to participate in an enquiry, which, according to the petitioner, is arbitrary and suffers from non-application of mind.

3. Per contra, the learned Government Counsel appearing for the respondents submitted that the impugned proceedings are only in the nature of a show cause notice. It was contended that, if the petitioner has any material to establish his tenancy, including the fixation of fair rent and payment thereof, he is at liberty to produce the relevant records before the second respondent. Upon receipt of such explanation and documents, the same would be duly considered and appropriate orders would be passed in accordance with law.

4. This Court finds that the impugned proceedings are only a notice issued under Section 78(2) of the Act. The petitioner disputes the allegation of encroachment and claims to be a lawful tenant whose family has been in occupation of the property for several decades, and that fair rent has been fixed and paid. Such disputed questions of fact require consideration by the statutory



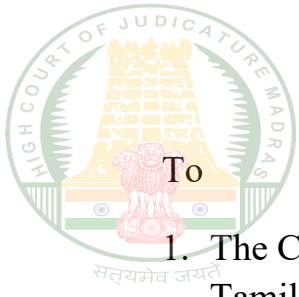
authority. Therefore, it is open to the petitioner to submit a comprehensive reply to the impugned notice, along with all relevant documents, including records relating to fixation and payment of fair rent and any other material in support of his claim.

5. The petitioner is granted 30 days' time from the date of receipt of a copy of this order to submit such reply. Upon receipt of the same, the second respondent shall consider the petitioner's explanation and the documents produced, afford the petitioner an opportunity of personal hearing, and pass a reasoned order on merits and in accordance with law.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

16-07-2026

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To

1. The Commissioner
Tamil Nadu Hindu Religious And Endowments
Department, Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034
2. The Joint Commissioner
Hindu Religious And Endowment Department,
Erode
3. The Assistant Commissioner
Hindu Religious And Endowment Department
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KRISHNAN RAMASAMY, J.

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