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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2026

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.20300 of 2026
and
W.M.P.(MD)No.15055 of 2026

E.Shanmugavelu ... Petitioner

Vs.

1.The Joint Commissioner,
O/o. the Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.

2.The Assistant Commissioner,
O/o. the Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Ramanathapuram.

3.The Thakkar,
Arulmigu Ninaithatha Sidhivinayakar Temple,
Keelakkarai, Ramanathapuram District.

4.The Executive Officer,
Arulmigu Vettudaiyar Kaliamman Thirukovil,
Ariyakurichi, Kollangudi,
Sivagangai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent vide

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M.P.No.05/2022 dated 30.07.2025 and consequential proceedings passed by the second respondent vide Na.Ka.No.4797/2020/E1 dated 30.06.2026 and quash the same and consequently forbear the respondents from in any manner interfering with or disturbing the petitioner's peaceful possession and enjoyment of the shop premises measuring 27.69 Sq.Mtrs. comprised in T.S.No.324/261, situated at Keelakkarai Town, Ramanathapuram District.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For R1 and R2	: Mr.S.Venkatesh Government Standing Counsel
For R3 and R4	: Mr.P.Mahendran Standing Counsel

ORDER

The petitioner has challenged the impugned order passed under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as "the H.R. & C.E. Act"), whereby the petitioner has been directed to vacate and hand over possession of the property, which had originally been leased to the petitioner's predecessor-in-interest.

2. In the proceedings before the first respondent, the petitioner entered appearance but failed to effectively contest the matter. Consequently, the impugned order came to be passed.

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3. At the time of filing the Original Application, the petitioner was in arrears of rent to the tune of Rs.3,06,000/-. During the pendency of the proceedings, the petitioner remitted a sum of Rs.1,53,000/-. At this stage, the learned counsel for the petitioner submits that the petitioner is willing to pay the balance arrears as well as the amounts that have fallen due thereafter, as determined by the respondent Temple.

4. Per contra, the learned Standing Counsel appearing for the respondent Temple submits that the petitioner did not avail the statutory remedy of appeal against the impugned order and, therefore, the order has attained finality. It is further submitted that it is always open to the petitioner to work out the remedy available under Section 21 of the H.R. & C.E. Act, if so advised.

5. The learned Standing Counsel further submits that the petitioner is still in arrears of rent to the extent of Rs.1,84,000/-. It is also submitted that the amounts paid by the petitioner subsequent to the impugned order have been appropriated towards charges for use and occupation of the subject property and not towards rent.

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6. Having considered the submissions made by the learned counsel for the petitioner and the learned Standing Counsel for the respondent Temple, this Court is inclined to interfere with the impugned order in the interest of justice. Accordingly, the impugned order is set aside, subject to the condition that the petitioner shall pay the entire arrears of rent, as demanded and confirmed in the impugned order, together with the rent due for the subsequent period, within 30 days from the date of receipt of a copy of this order.

7. Insofar as the petitioner's challenge to the fair rent fixed by the respondent Temple is concerned, the respondent Temple is directed to re-determine the fair rent payable by the petitioner in accordance with Section 34 of the H.R. & C.E. Act, after affording the petitioner an opportunity of being heard. Until such re-determination is completed, the petitioner shall continue to pay the rent at the rate presently demanded by the respondent Temple, without prejudice to his rights and contentions.

8. The Writ Petition stands disposed of on the above terms. No costs. Consequently, the connected Miscellaneous Petition is closed.

NCC : Yes / No
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C.SARAVANAN, J.

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