

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-07-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP(MD) No. 20948 of 2026

and

W.M.P.(MD)No.15566 of 2026

Kamalam
W/o. Muthuvel,
No.58, Soodamanipuram North,
100 Feet Road,
Alagappapuram,
Karaikudi,
Sivagangai District.

..Petitioner(s)

Vs

1. The Commissioner
Hindu Religious and Charitable Endowments
Department,
Chennai - 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments
Department,
Sivagangai District.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department,
Paramakudi,
Ramanathapuram District.
4. The Executive Officer
Arulmigu Suyamprakasa Eswarar Thirukoil,
Iluppakudi,
Karaikudi Taluk,
Sivagangai District.

..Respondent(s)



Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioners representation dated 23.09.2024 and 12.07.2026 and fix fair Ground Rent for the House under the petitioner occupation in respect of Iluppankudi Suyamprakasha Eswarar Temple Land in Old S.F. No.1339/1 Part, New S.F. No.1587/1 situated in Karaikudi Nagar, Karaikudi Taluk, Sivagangai District by constituting appropriate committee as contemplated under Section 34-A of Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, within the time stipulated by this Hon'ble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr. M.Anbarasan
for M/s.KBS Law Office

For Respondent(s): Mr.R.Parthiban
Counsel for the State of Tamil Nadu for R1 to R3

Dr.C.Guhaseela Rupan
Standing Counsel for R4

ORDER

The petitioner is before this Court seeking issuance of a Writ of Mandamus directing the second respondent to fix the fair rent in respect of the house property in the petitioner's occupation.

2. The petitioner has put up a superstructure on 11 cents of land belonging to Arulmigu Iluppankudi Suyamprakasha Eswarar Temple, comprised in Old S.F.No.1339/1 (Part), New S.F.No.1587/1, situated at Karaikudi Nagar, Karaikudi Taluk, Sivagangai District.



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3. It appears that the petitioner is a tenant under the fourth respondent Temple and was earlier paying a monthly rent of Rs.3,242/-. Subsequently, a demand notice dated 11.09.2024 was issued calling upon the petitioner to pay the alleged arrears of rent. The petitioner submitted a reply on 23.09.2024, contending that the amount demanded was exorbitant. Thereafter, by proceedings dated 31.12.2024, the lease in favour of the petitioner came to be terminated.

4. In the meanwhile, the petitioner, along with four others, had approached this Court by filing W.P.(MD)Nos.26196 to 26200 of 2022, contending that the land in question did not belong to the fourth respondent Temple. The said writ petitions were disposed of by a common order dated 17.11.2023, with the following observations:

"6. In view of complex nature of facts and circumstances and considering the fact that several orders were passed by this Court to demolish the unauthorised constructions and evict the encroachers, we are inclined to pass the following orders:

(i) The Municipal Commissioner, Karaikudi Municipality, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai and the Tahsildar, Karaikudi along with the Taluk Surveyor shall conduct a joint survey in respect of the entire subject property within a period of two weeks from the date of receipt of a copy of this order.

(ii) The portion of the property sold by the Temple to the Co-operative Society may be demarcated and



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illegal/unauthorised constructions therein are directed to be demolished within a period of four weeks from the date of completion of joint survey.

(iii) In respect of the claim of the Temple, the competent authorities under the Hindu Religious and Charitable Endowments Act are directed to initiate appropriate actions under the provisions of the Hindu Religious and Charitable Endowments Act and by following the procedures.

(iv) With reference to the encroachments, the competent authorities are directed to evict the encroachers within a period of four weeks from the date of completion of joint survey.

7. The respondents/competent authorities concerned are directed to comply with this order within the time limit as stipulated by this Court. In the event of failure, further actions are to be initiated, since several orders have been passed by this Court to demolish the unauthorised constructions and to remove the encroachments."

5. After the termination of the lease on 31.12.2024, proceedings were initiated against the petitioner under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as "the H.R. and C.E. Act") by notice dated 15.05.2025, on the ground that the petitioner had failed to pay the arrears due to the Temple.

6. The learned Standing Counsel appearing for the fourth respondent submitted that the petitioner has suppressed the pendency of M.P.No.11 of 2025, which is pending before the second respondent/Joint Commissioner under Section 78 of the H.R. and C.E. Act. It was submitted that the present writ petition has been filed only with a view to circumvent the aforesaid proceedings and is also contrary to the stand earlier taken by the petitioner before the



Division Bench of this Court in W.P.(MD)Nos.26196 of 2022 etc., batch. It was, therefore, contended that the writ petition is liable to be dismissed both on facts and in law.

7. The learned Standing Counsel further submitted that, as on date, the petitioner is in arrears to the extent of Rs.3,95,482/-. It was also submitted that the extent of 11 cents of temple land had been leased out only for occupation and not for the construction of any permanent structure. However, the petitioner has put up a permanent superstructure and has been deriving substantial rental income by subletting out portions of the property to subtenants, which, according to the fourth respondent, is contrary to the provisions of Section 34-A of the H.R. and C.E. Act.

8. Having considered the submissions made by the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents, this Court is inclined to dispose of the writ petition by directing the petitioner to pay a sum of Rs.3,95,482/- towards charges for use and occupation of the temple land for the period commencing from the date of termination of the lease, namely, 31.12.2024. On such payment, the fourth respondent shall receive the said amount and give due credit by appropriating it in accordance with law.



9. Insofar as the petitioner's request for continuation or renewal of the tenancy is concerned, the same shall be considered independently by the competent authority in accordance with law. It is also open to the petitioner to raise all such contentions as are available in law in M.P.No.11 of 2025, which is pending before the second respondent.

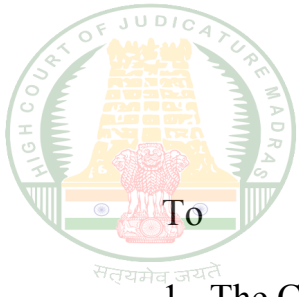
10. While considering the petitioner's request, the respondents shall also bear in mind that the petitioner has been in possession of the property for a considerable length of time. If the petitioner is otherwise eligible for continuation of the lease and is willing to pay the fair rent or lease rent as may be fixed by the competent authority in accordance with the provisions of the H.R. and C.E. Act and the applicable Rules, the request for continuation of the lease may be considered on its own merits, without being influenced by the observations in the present proceedings.

11. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

27-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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WP(MD) No. 20948 of 2



C.SARAVANAN, J.

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