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WA Nos.3450 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

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THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WA Nos.3450, 3448, 3451, 3453, 3454 and 3455 of 2024
and

CMP Nos.26819, 26822, 26815, 26818, 26823 of 2024

WA No.3450 of 2024

K.Kumar

: Appellant

versus

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034
- 4.The Executive Officer,
Arulmighu Pidari Uthnatchiamman



WA Nos.3450 of 2024 etc.

WEB COPY

Mangaleswarar & Bala Vinayagar Thirukoil,
Arumbakkam, Chennai 600 106

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 21.10.2024 in WP No.19341 of 2022.

For Appellants : Mr.N.L.Rajah,
Senior Counsel,
for Mr.N.P.Anantharamakrishnan

For Respondents 1 to 3 : Mr.N.R.R.Arun Natarajan,
Special Government Pleader, H.R. & C.E.

For Respondent No.4 : Mr.S.D.Ramalingam

COMMON JUDGMENT

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The appellants were in occupation of land owned by the fourth respondent Temple, and were running the “Chennai Guest House” thereon.

2. In WA Nos.3451, 3453 and 3455 of 2024, the appellants challenge the interim order directing the respective appellants to deposit sums of Rs.25 lakh, Rs.50 lakh and Rs.25 lakh respectively, as a pre-



WA Nos.3450 of 2024 etc.

WEB COPY

condition to restrain the respondents from locking and sealing the premises of the respective appellants.

3. By the said order, it was made clear that the respondents would be at liberty to lock and seal the premises of the appellants in the event of default in complying with the order. Subsequently, since the appellants herein did not comply with the conditional order, the respondents were permitted to lock and seal the premises and conduct a public auction by order dated 21.10.2024. Pursuant thereto, a notice for public auction was issued. This order is impugned in WA Nos.3448, 3450 and 3454 of 2024.

4. Mr.Arun Natarajan has placed before us a compilation of documents. In a table at page 1 thereof, he has set out the amounts due and payable by each appellant towards monthly rent as on 30.11.2024. The amount payable by Mr.K.Kumar in respect of a property measuring 2162 sq.ft is Rs.1,13,13,634/-. The amount payable in respect of another property occupied by Mr.K.Kumar and measuring 4464 sq.ft. is Rs.2,33,95,936/-. The amount payable by Mr.K.Krishnakumar in respect of



WA Nos.3450 of 2024 etc.

a property measuring 2116 sq.ft. is Rs.1,10,73,070/-. In the aggregate, the total amount payable by the appellants herein, as on 30.11.2024, is Rs.4,57,72,640/-.

5. Learned Senior Counsel for the appellants, Mr.N.L.Rajah, submitted that the appellants were not provided a reasonable opportunity in accordance with Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 ('the H.R. & C.E. Act', for short) before the fair rent was fixed.. He further submits that the impugned order directing the appellants to deposit amounts does not set out the basis for directing such deposit.

6. Mr.Arun Natarajan counters these contentions by submitting that the appellants herein did not challenge the fixation of fair rent in the manner specified in the H.R. & C.E. Act. Instead, he submits that a civil suit was filed, which came to be dismissed. The appeals against the order of dismissal, including the second appeal before this Court, were



WA Nos.3450 of 2024 etc.

unsuccessful. Therefore, he submitted that the fixation of fair rent has become final. Subsequently, he submits that proceedings were initiated under Section 78 of the H.R. & C.E. Act to evict the appellants herein as encroachers. Challenge made to the said proceeding was unsuccessful. The order of the Commissioner in a revision under Section 21 of the H.R. & C.E. Act is the subject of challenge in the writ petition.

7. When these matters were heard in the forenoon, we asked Mr.Rajah whether the deposits would be made if an extension of time were to be granted. After obtaining instructions, counsel on record submitted in the afternoon session that the appellants would not be in a position to make the deposits.

8. We find that the learned Single Judge has exercised his discretion and directed payment of amounts of approximately 25% of the sum computed as payable towards rent, as on 30.11.2024. As such, we find there is no perversity in the order challenged before us, including the consequential order, and no case is made out for interference therewith. Consequently, these appeals are dismissed. There will be no order as to



WA Nos.3450 of 2024 etc.

costs. Consequently, all the interim applications also stand disposed of.

WEB COPY

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

26.11.2024

Index : Yes/No

Neutral Citation : Yes/No

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