



Writ Petition No.15216 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.15216 of 2025

and

W.M.P.No.17168 of 2025

P.S.Nalini

W/o.Anand Swaminathan

Petitioner

Vs

1. Government of Tamil Nadu
Rep. By Its Principal Secretary,
Department of Tourism, Culture and Religious
Endowments, Fort St. George, Chennai-600 009.

2.Administrator General & Official Trustee
First Floor, Family Court Building,
High Court Complex, Chennai 600 104.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, No.11/20,
A.K. Thangavelar Street, Kanchipuram - 631 501.

4.Assistant Commissioner
Hindu Religious and Charitable Endowment
Department, Chengalpattu -603 001.

5.Tahsildar
Taluk Office, Pallavaram,
Chennai-600 040.



Writ Petition No.15216 of 2025

6.Arulmihu Anjaneyasamy Tirukkoil
Rep. By Its Executive Officer,
Easa Pallavaram, Chennai 600 040.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent connected with the Notice issued by him in M.P.No.349/2021/E.1 dated 10.01.2022 and quash the same and, consequently, direct the second respondent under the provisions of Section 25 of the Administrator General Act, 1963 read with Sec.7 of the Official Trustees Act, 1913 and the Rules made thereunder and take over charge of the estate of the Trust established by Thiru.Ramayya Chettiar S/o.Chengappa Chettiar on 21.07.1933 through the deed registered as the Document No.1222 of 1933 in the Office of the Sub Registrar, Pallavaram, and administer the same as per the relevant rules on the subject.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
[R1, R3, R4 & R6]
Mr.M.R.Jothimanian [R2]
Mr.Veda Bagath Singh
Special Government Pleader [R5]

ORDER

This writ petition has been filed challenging the impugned notice issued by the third respondent under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959, calling upon the petitioner to submit his explanation on the ground that the petitioner is



Writ Petition No.15216 of 2025

WEB COPY

treated as an encroacher in the subject property, which allegedly belongs to a temple.

2. Heard Mr.R.Natarajan, learned counsel for petitioner, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents 1, 3, 4 and 6, Mr.M.R.Jothimanian, learned counsel appearing for second respondent and Mr.Veda Bagath Singh, learned Special Government Pleader appearing for fifth respondent.

3. The specific case of the petitioner is that one Ramayya Chettiar established a trust in the year 1933 through a registered document registered as document No.1222 of 1933 on the file of Sub Registrar, Pallavaram. Thereafter, the property was leased to various lessees and rent was collected and it was paid to the temple. In the year 1953, the father of the petitioner became the lessee and thereafter, the family continued to occupy the property in their capacity as a lessee. Under such circumstances, it is alleged that the fifth respondent has modified the revenue records and showed as if the temple is the owner of the property, whereas, it is the trust, which owns the property. Taking advantage of the modification of the revenue records, the impugned



Writ Petition No.15216 of 2025

notice came to be issued by the third respondent under Section 78 of the Act, which has been put to challenge in the present writ petition.

4. In the considered view of this Court, the stand that has been taken by the petitioner to the effect that the revenue records have been modified behind the back of the petitioner and that the property does not belong to the temple and it actually belongs only to a trust, need not be gone into in this writ petition. What has been challenged is only the notice issued by the third respondent and what are all the defence available to the petitioner can be given by way of reply to the third respondent and the same will be considered on its own merits and in accordance with law. Even thereafter, if the third respondent passes an order, the petitioner has an alternative remedy. Hence, this Court is not inclined to interfere with the impugned notice issued by the third respondent.

5. It is made clear that the petitioner can submit his explanation and proceed further in accordance with law. Except giving this clarity, no further orders can be passed in this writ petition.

This writ petition is disposed of in the above terms. No costs.



Writ Petition No.15216 of 2025

Consequently, connected miscellaneous petition is closed.

WEB COPY

02.06.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Principal Secretary,
Department of Tourism, Culture and Religious
Endowments, Fort St. George, Chennai-600 009.

2.Administrator General & Official Trustee
First Floor, Family Court Building,
High Court Complex, Chennai 600 104.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, No.11/20, A.K. Thangavelar Street,
Kanchipuram - 631 501.

4.Assistant Commissioner
Hindu Religious and Charitable Endowment
Department, Chengalpattu -603 001.

5.Tahsildar
Taluk Office, Pallavaram, Chennai-600 040.

6.Executive Officer,
Arulmihu Anjaneyasamy Tirukkoil
Easa Pallavaram, Chennai 600 040.

N.ANAND VENKATESH, J



WEB COPY



Writ Petition No.15216 of 2025

gm

Writ Petition No.15216 of 2025

02.06.2025