



W.P.No.4837 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4837 of 2025
and W.M.P.No.5357 of 2025

A.Purushothaman

.. Petitioner

Versus

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Mahatma Gandhi Salai,
Near United India Insurance Company,
Nungambakkam, Chennai - 600 034.
 2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Cuddalore.
 3. The Executive Officer,
Arulmigu Rajagopalswamy Thirukovil,
Pudupalayam, Cuddalore District.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Mandamus forbearing the respondents from



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interfering with the possession or evicting the petitioner from the lands of an extent of 90 cents in Survey No.1786, Ward No.5, Block No.47, Thirupapuliur, Cuddalore district, pending disposal of the petition filed by the 3rd respondent temple under Section 78 in M.P.No.145 of 2023/A4, dated 10.01.2024.

For Petitioner : Mrs.A.L.Ganthimathi,
Senior Counsel,
Asstd. by Mr.L.Palanimuthu

For Respondents : Mr.K.Karthikeyan,
Government Advocate (HR & CE)

ORDER

This Writ Petition is filed for a mandamus forbearing the respondents from interfering with the possession or evicting the petitioner from the land of an extent of 90 cents in S.No.1786, Ward No.5, Block No.47, Thirupapuliur, Cuddalore district.

2. It is the case of the petitioner that the petitioner is a tenant.

Suddenly, now, an exorbitant rent, as if the entire premises are used for



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commercial purposes, is fixed and since the petitioner is unable to pay the said amount, the proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 has been invoked. Even though he has requested the authorities to look into the quantum of rent, the authorities are not looking into the same and therefore, the present Writ Petition is filed.

3. Per *contra*, the learned Additional Government Pleader would submit that the petitioner is not a tenant and is an encroacher. Therefore, the proceedings are initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. However, if, pending the proceedings, the petitioner agrees to pay the rental arrears and agrees to pay the monthly rent without fail, the authorities will consider the regularisation of the petitioner as a tenant, failing which, they will pass orders of eviction. The proceedings are pending. Pending the proceedings, this Writ Petition is not maintainable.



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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. As rightly contended by the learned Additional Government Pleader, when the proceedings under Section 78 are pending, this Court will not interdict at this stage. However, the only contention that is raised by the learned Senior Counsel for the petitioner is that the rent that is fixed and directed to be paid by the petitioner, is based on the premise that the petitioner is exploiting the premises commercially. It is the case of the petitioner that the petitioner is not exploiting the premises commercially and therefore, the rate of rent has to be revised by the respondents. If that is the case of the petitioner, the petitioner can also raise the same issue in the said proceedings itself and the authority can look into the same whether the premises are commercially used or not and if it is required to be revisited, the quantum can be revisited in accordance with law. The said plea can also



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be raised and the authorities can consider on its own merits and pass final orders in accordance with law.

6. Therefore, keeping open the contentions to be raised before the second respondent, before whom the petition is pending and directing the second respondent to expressly consider the same and pass a reasoned order in the Section 78 proceedings itself, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.02.2025

Neutral Citation : no
grs

To

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Mahatma Gandhi Salai,
Near United India Insurance Company,
Nungambakkam, Chennai - 600 034.



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2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Cuddalore.

3. The Executive Officer,
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