



W.P.No.5521 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5521 of 2025

and

W.M.P.No. 6086 of 2025

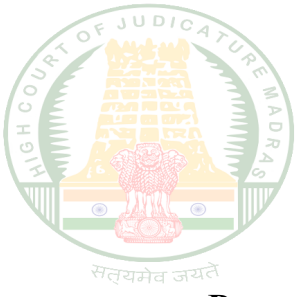
P.KANNAN

... Petitioner

Vs

1. THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
119, UTHAMAR GANDHI ROAD,
NUNGAMBAKKAM, CHENNAI - 600 034.
2. THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
MAYILADUTHURAI,
MAYILADUTHURAI DISTRICT- 609 001.
3. THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
MAYILADUTHURAI,
MAYILADUTHURAI DISTRICT- 609 001
4. THE EXECUTIVE OFFICER
ARULMIGU MANMATHEESWARAR THIRUKOIL,
KUTTALAM TALUK,
MAYILADUTHURAI DISTRICT - 609 801.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records of the impugned order of the third respondent in Na.Ka.No.ACO14/317-1/2025-c1 dated on 10.02.2025 and quash the same.

For Petitioner : Mr.U.Kathiravan M.L

For R1 to R4 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

The writ petition is filed to call for the records of the impugned order of the third respondent in Na.Ka.No. ACO14/317 – 1/2025-c1 dated 10.02.2025 and quash the same.

2. The learned counsel for the petitioner would submit that earlier, when the respondents temple authorities claimed enhanced rent without properly fixing the fair rent, the petitioner had filed a writ petition challenging the same. Upon adverse orders being passed, the petitioner filed a writ appeal and the same is pending. While so, in the connected writ petition, when the arrears were directed to be paid and the petitioner had paid the pre-revised



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arrears in full, the petitioner is not in any arrears and therefore, the respondents cannot proceed further with the eviction notice.

3. When the matter came up for hearing, the learned Special Government Pleader taking notice on behalf of the respondents would submit that an order of eviction had already been passed under Section 78 of H.R. & C.E. Act and the same has become final. The revision has already been dismissed by the Commissioner, since the enhanced rent was not deposited. When the writ petitioner challenged the same, the writ petition was also dismissed. The petitioner has not deposited the enhanced arrears even to this day, and therefore, when the eviction order has become final, these are only the consequential proceedings for which the petitioner is now before this Court. The petitioner has already filed three writ petitions and a writ appeal. The petitioner has put up a huge structure which involves commercial shops, including a bakery and a lodging house run by the petitioner. Therefore, he would submit that this Court cannot interfere in the matter.

4. The further argument made by the learned counsel for the petitioner is that earlier when the order was passed in the writ petition directing the



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petitioner to deposit the arrears of rent, the petitioner had deposited the entire arrears. The petitioner is not liable to pay the enhanced arrears of the rent and therefore, only on that basis, the respondents are concluding that the order of eviction has become final. When the issue is at large in the writ appeal as on date, the respondents cannot proceed further with eviction notice.

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

6. It can be seen that, it is the case of the petitioner that the enhancement is incorrect in law. He is liable to pay only the pre-revised rent and has cleared the said rent. When the petitioner questioned the enhancement and the writ petition resulted in an adverse order against him and when the writ appeal was filed in W.A.No. 206 of 2023, unless the petitioner has an interim order in the said writ appeal, the petitioner cannot raise the very same contention against the consequential proceedings and come by way of the present writ petition.

7. If at all the petitioner is aggrieved, it would be open for the petitioner



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to move such an interlocutory application in the writ appeal. Unless any order is passed in favour of the petitioner in the writ appeal, as on date, it is legally permissible for the respondents to proceed further and evict the petitioner. Therefore, keeping open the liberty of the petitioner to pursue the writ appeal or such any interim application, if he desires to do so, the prayer made in this writ petition cannot be countenanced. As such, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

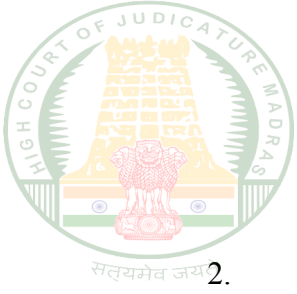
18.02.2025

Neutral Citation: Yes/No
nsl

To

1. THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
119, UTHAMAR GANDHI ROAD,
NUNGAMBAKKAM, CHENNAI - 600 034.

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HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
MAYILADUTHURAI,
MAYILADUTHURAI DISTRICT- 609 001.
3. THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
MAYILADUTHURAI,
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4. THE EXECUTIVE OFFICER
ARULMIGU MANMATHEESWARAR THIRUKOIL,
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D.BHARATHA CHAKRAVARTHY, J.

nsI



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