



W.P.No.10111 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10111 of 2025

R.Vijayalakshmi, F/49,  
W/o Rajendran,  
Veppur Village and Taluk,  
Cuddalore District.

.. Petitioner

/versus/

1.The Commissioner,  
O/o Commissioner,  
Hindu Religious and Chairtable Endowments  
Department,  
Chennai 34.

2.The Joint Commissioner,  
O/o Joint Commissioner of HR & CE,  
Cuddalore District.

3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Cuddalore District.

4.The Hereditary Trustee,  
Arulmigu Varadharajaperumal Thirukovil,



W.P.No.10111 of 2025

Veppur Village, Cuddalore District.

.. Respondents

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Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents or his agents, men's not to take any coercive steps as per the proceedings vide Se.Mu.N.Ka.6042/2024/A4, dated 10.02.2025 M.P.No.272 of 2024 passed by the 2<sup>nd</sup> respondent until disposal of the Revision Petition filing dated 04.03.2025 pending before the first respondent.

For Petitioner :Mr.P.Muthamizhselvakumar

For Respondents :Mr.K.Karthikeyan, GA (HR &CE)  
for R1 to R4

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### ORDER

The writ petition is filed with a prayer to issue a direction, directing the respondents not to take coercive steps as per proceedings dated 10.02.2025, until the disposal of the revision petition, which is filed on 04.03.2025.



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2. Mr.P.Muthamizhselvakumar, learned counsel appearing on behalf of the petitioner submits that the petitioner is only a tenant in the property. The eviction order has wrongly been passed against the petitioner and the petitioner has already filed a revision before the first respondent. Even an application for an interim stay is also filed. Without taking the interim stay application and passing any orders, the respondents are proceeding further to take coercive action and therefore, the petitioner is before this Court.

3. The learned counsel further submits that it is the statutory duty of the first respondent to pass orders on the stay application one way or the other and without even taking up the stay application, the petitioner cannot be vacated from the premises. The petitioner succeeds in the revision, thereafter, then the entire thing would become *fait accompli* and the respondents should not be permitted to take coercive steps.



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4. Per contra, Mr.K.Karthikeyan, learned Government Advocate (HR &CE) taking notice on behalf of the respondent 1 to 4 would submit that in this case, originally the petitioner's father-in-law was granted tenancy only up to the year 2016. However, he forged one more lease deed as if it was signed by one Shanmuga Gurugal who was the hereditary trustee of the temple and as if the lease has been granted up to 2028. The said lease deed was sent for examination by the Forensic Science Department, Chennai and by the report dated 10.10.2019, the Forensic authorities have confirmed that the lease deed is forged one and the signature found in the lease deed does not belong to the said Shanmuga Gurugal. A Criminal Case was also registered in Crime No.12 of 2018 and since the petitioner's father-in-law died, further proceedings are not taken.

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



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6. Normally, when an order of eviction is passed under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the petitioner has a remedy by way of a revision and if the stay application is not even taken up or the revision is pending for long time, this Court only directs the disposal of the revision petition and directs the respondents not to precipitate the matter pending the revision. However, in this case, the allegation is that the petitioner's father-in-law, who was the original tenant only up to the year 2016, forged the lease deed and tried to show his tenancy. In the said background situation, an equitable and extraordinary remedy under Article 226 of the Constitution of India, cannot be extended to the petitioner. Hence, this writ petition stands dismissed. No costs.

25.03.2025

Neutral citation: no  
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