



WEB COPY

WA.No.1288 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WA.No.1288 of 2025
and
CMP.Nos.9806 & 9808 of 2025**

S.Rajendran

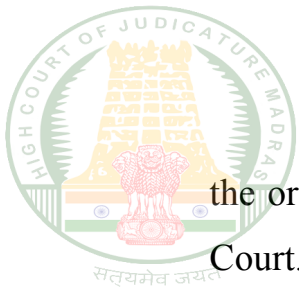
... Appellant

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.
4. The Deputy Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukovil,
Alagarkovil,
Madurai District.

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside



the order dated 22.10.2024 made in W.P.No.2382 of 2021 on the file of this Court.

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For Appellant : Mr.C.Arul Vadivel @ Sekar
Senior Counsel for
M/s.C.Arul Vadivel Associates
and Mr.M.Dinesh

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)
for R1 to R3
: Mr.P.Gopalan for R4

JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

Under assail is the order dated 22.10.2024 passed in W.P.No.2382 of 2021.

2. The writ petitioner is the appellant before this Court.

3. The order passed by the Commissioner, HR & CE Department in R.P.No.99 of 2019 dated 04.08.2020 was under challenge in the writ proceedings. The Joint Commissioner has passed an order of eviction under Section 78 of the HR & CE Act which was confirmed by the Commissioner of HR & CE Department in RP.No.99 of 2019.

4. There is no lease exist between the competent Authorities of the



HR & CE Department and the appellant herein.

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5. The learned Senior Counsel appearing on behalf of the appellant rely on the proceedings dated 16.12.2019, which cannot be construed as valid lease deed executed in accordance with the provisions of the HR & CE Act. More-so, the lease was originally granted to the father of the appellant and it expired long back. Thus, the appellant is to be construed as an encroacher under the provisions of HR & CE Act. Pertinently, the appellant has converted the agricultural land for commercial purposes. The writ Court has elaborately considered the fact that the appellant has utilized the endowment property for personal gains by constructing commercial establishments.

6. The temple lands have not been utilized for the purpose for which it was leased out. More-so, the appellant is not holding any valid lease. Thus, the writ Court found that the initiation of eviction proceedings under Section 78 of the HR & CE Act is in accordance with law. The Commissioner also confirmed the order of eviction passed by the Joint Commissioner. This Court do not find any further grounds to consider the case of the appellant, since the appellant has not established even a semblance of legal right for the purpose of granting the relief as such sought for.



WA.No.1288 of 2



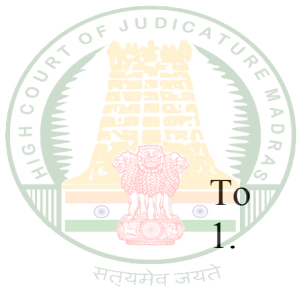
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7. In view of the facts and circumstances, the respondents shall take possession of the temple property and utilize the same for the benefit of the temple by following the procedures as contemplated under the HR & CE Act.

With the above observations, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]
22.04.2025

veda
Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No



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WA.No.1288 of 2017



To
1.

The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.

The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.

The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

4.

The Deputy Commissioner/Executive Officer,
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WA.No.1288 of 2

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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WA.No.1288 of 2025

22.04.2025