



WEB COPY



W.P.No.33270 of 2025  
and W.M.P.No.37403 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.09.2025

C O R A M

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.No.33270 of 2025  
in  
W.M.P.No.37403 of 2025

L.Lakshmiammal

... Petitioner

Vs

1.The Commissioner,  
HR & CE Department,  
Nungambakkam High Road,  
Chennai-600 034.

2. The Joint Commissioner  
HR & CE Department,  
Coimbatore.

3.The Assistant Commissioner,  
HR & CE Department,  
Coimbatore.

4.Thiru Marudhachala Adigalar,  
Ilayapattam,  
Perur Adheenam,  
Perur, Coimbatore.

5.Sri Dhakshinamurthy Mutt,  
Rep by its Trustee Lakhmaiah @  
Rex Mani,  
Udhagamandalam,

Nilgiris District-643 003.

... Respondents



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**PRAYER** : Petition filed under Article 226 of the Constitution of India to call for the records of the proceedings in Miscellaneous Petition No 14/2025/A1 dated 04.06.2025 on the file of the 2<sup>nd</sup> respondent, and quash the same as illegal and without jurisdiction and to consequently forbearing the respondents from interfering with the peaceful possession of the Petitioner.

For Petitioner ... Ms.Abitha Banu

For R-1 to R-3 ... Mr.K.Karthikeyan,  
Government Advocate (HR & CE)

### **ORDER**

Challenging the impugned notice of eviction issued by the 2<sup>nd</sup> respondent, the petitioner has filed the present Writ Petition.

2. Mr.K.Karthikeyan, learned Government Advocate takes notice on behalf of the Respondents 1 to 3.

3. It is the case of the petitioner that her husband namely Sannan entered into a lease agreement with the 5<sup>th</sup> respondent who is the trustee of “Guru Vilasu Land” in the year 1985. The petitioner's husband died in the year 2001 leaving behind the petitioner and their sons and daughters. After the demise of her husband, the petitioner continued to cultivate the said land which has been recognized by the fifth respondent



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Mutt. The petitioner has been cultivating the said land for the past 30 years by putting her own labour as also of her sons and daughters and has been paying the lease amount to the 5<sup>th</sup> respondent without any default. While being so, the eviction notice has been issued to the petitioner by the 2<sup>nd</sup> respondent under Section 78 of the HR & CE Act as if the petitioner has defaulted in payment of the lease amount to the 5<sup>th</sup> respondent. Challenging the same, the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that the petitioner has been cultivating the subject land since 1985 and has been paying the rent without any default to the 5<sup>th</sup> respondent. If at all there is any default in payment of the lease amount, it is for the 5<sup>th</sup> respondent to take action as against the petitioner under Tamil Nadu Cultivating Tenants Act, 1955 before the Jurisdictional Tahsildar and initiating proceedings under Section 78 of the HR & CE by the 2<sup>nd</sup> respondent as against the petitioner is not sustainable. Therefore, the eviction notice issued by the 2<sup>nd</sup> respondent suffers from error. Accordingly, he prays for appropriate orders.

5. Learned Government Advocate (HR & CE) appearing for the respondents submits that though the petitioner claims to be a lessee of the subject property under the 5<sup>th</sup> respondent even from the year 1985, however, the subject property is coming under the control of HR & CE Department. Further, there was a default in payment of the lease amount and therefore, the present eviction notice has been issued by the 2<sup>nd</sup>



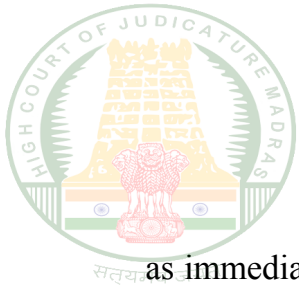
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respondent. If at all the petitioner has any grievance, the petitioner has to canvass all those points before the 2<sup>nd</sup> respondent being the appropriate authority to deal with under the HR & CE Act by filing appropriate representation and filing a Writ Petition before this Court is not sustainable.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Admittedly, the petitioner claims to be in possession of the subject property based on the lease agreement entered into with the 5<sup>th</sup> respondent. It is not controverted by the petitioner that the subject property does not belong to HR & CE Department. In view of the stand taken by the learned Government Advocate, that the said property belongs to the HR & CE Department, the 2<sup>nd</sup> respondent is the competent authority to deal with the issues relating to the said property and therefore, the proper course open for the petitioner would be to approach the 2<sup>nd</sup> respondent. Without exhausting the above relief, filing a Writ Petition as against the eviction notice is not sustainable and hence this Writ Petition deserves to be dismissed.

8. For the reasons aforesaid, the Writ Petition stands dismissed with liberty to the petitioner to approach the 2<sup>nd</sup> respondent by filing appropriate representation with regard to continuity of possession. Since the petitioner is in occupation of the premises,



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as immediate eviction would cause serious prejudice to the petitioner, this Court directs the petitioner to deposit a sum of Rs.5,00,000/- before the 2<sup>nd</sup> respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall not evict the petitioner from the subject premises till the disposal of the petitioner's representation. In default in payment of the said amount, the 2<sup>nd</sup> respondent is at liberty to proceed with the process of eviction. There shall be no order as to cost. Consequently, the connected Miscellaneous Petition stands closed.

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Index : Yes/ No  
Speaking (or) Non Speaking Order  
Neutral Citation: Yes/No

Nhs

To

1.The Commissioner,  
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**M.DHANDAPANI, J.**

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