



WP No. 32693 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

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CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 32693 of 2025

& WMP.Nos.36610 & 36611 of 2025

P.Gunasekaran

S/o.S.Pazhani Gounder, No.218/516,
Ammapettai Main Road,
Salem- 636 001.

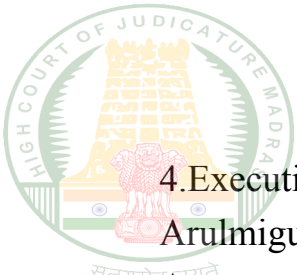
Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Charitable
Endowments Administrative
Department, Chennai.

2.The Joint Commissioner
Hindu Religious And Charitable
Endowments Administrative
Department, Salem.

3.The Assistant Commissioner
Hindu Religious And Charitable
Endowments Administrative
Department, Salem.



4.Executive Officer

Arulmigu Kaliyamman Thirukovil,
Ammapettai, Main Road,
Salem- 636 001.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent dated 20.08.2025 made in ITMS Code no.4940 and consequently forebear the respondents from in any manner evicting petitioner from the premises situate at No. 516, Ammapettai Main Road, Salem- 636 001 except by following due process of law as contemplated under Section 78 of the Tamil Nadu Hindu Religious and Charitable endowments Act, 1959.

For Petitioner(s): T.S.Vijaya Raghavan
E.N.Rajalakshmi
B.Raji
D.Govindasamy
V.Aishwariya

For Respondent (s): N.R.R.Arun Natarajan,
Special Government Pleader

**ORDER**

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This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent dated 20.08.2025 made in ITMS Code no.4940 and consequently forebear the respondents from in any manner evicting the petitioner from the premises situate at No. 516, Ammapettai Main Road, Salem- 636 001 except by following due process of law as contemplated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2.The case of the petitioner is that the petitioner is a statutory tenant of the temple property at Door No.516, Ammapettai Main Road, Salem, which was originally leased out to his late father. The petitioner has been regularly paying rents and arrears, which the temple has accepted. While so, the fourth respondent having fixed a date for demolishing an adjacent building, which was in a dilapidated condition, issued a notice dated 04.07.2025, directing the petitioner to vacate the premises stating that the premises in which the petitioner



resides may fall down during such demolition. Though the petitioner gave a reply dated 15.07.2025 to the said notice, the adjacent building was demolished on 21.07.2025. However, there was no damage to the building in which the petitioner resides. Thereafter, the fourth respondent has now issued the impugned notice dated 20.08.2025 calling upon the petitioner to handover the premises in which he resides on the ground that the demolition of the western side of the building may collapse the building.

3.The learned counsel for the petitioner submitted that the petitioner's father was a statutory/recognised tenant and is not an encroacher of the temple land. Further that, the petitioner has possession receipts from the year 1970 onwards and the earliest of them is dated 03.09.1970. While being so, the respondent cannot evict the petitioner from the temple property without following the due process of law as contemplated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, he prayed to quash the impugned notice dated 20.08.2025 and to allow the present Writ Petition.



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4. Per contra, the learned Special Government Pleader appearing on behalf of the respondents would submit that the petitioner's father was a tenant of the building belonging to the Temple and his tenancy was recognized by the HR & CE Department. However, after the death of the petitioner's father, the petitioner has not approached the temple authorities to renew his tenancy and has not yet been recognized as a statutory tenant of the Temple building by the HR & CE Department. Therefore, during the demolition of the adjacent building, if any damage occurred to the building in which the petitioner resides, the petitioner will have no right to claim any compensation from the respondents. Further, he added that the petitioner has also filed an affidavit to the effect that he will keep indemnified the Temple Authorities in the event of collapse of his building and that he will not make the Temple authorities responsible for the same as per the direction of this Court dated 26.08.2025 and therefore, prayed for dismissal of the present Writ Petition.

5. In view of the above, the respondent is now directed to carry out the demolition of the adjacent building in dilapidated condition and if any damage



occurred to the petitioner's occupation of the property, the petitioner is not entitled to claim any damages from the respondent.

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6.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

23-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To
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M.DHANDAPANI J.

Tsg

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