



W.P.No.39070 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

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THE HONOURABLE Mr.JUSTICE P.B. BALAJI

**W.P.No.39070 of 2025
and W.M.P.Nos. 43816 and 43817 of 2025**

Kasturba Gandhi Matriculation Higher Secondary School,
Represented by its Secretary, Mr.M.Inbaraj,
75-B, Durgalaya Road,
Tiruvarur – 610002

...Petitioner

Vs

1. The Commissioner
Hindu Religious And Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai -600 034.

2.The Joint Commissioner,
Hindu Religious And Charitable



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Endowments Department,
ASN Colony, Melakottaivasal,
Nagapattinam -611 001.

3.The Assistant Commissioner,
Hindu Religious And Charitable
Endowments Department,
Tiruvarur -610 001.

4.The Executive Officer,
Arulmighu Thiyagarajaswamy
Temple, Tiruvarur -610001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 06.05.2025 in R.P.No. 568/2024 passed by the 1st respondent, quash the same as arbitrary and illegal, and consequently forbear the respondents, their subordinates and agents from in any manner interfering with the petitioner School's peaceful possession and functioning in the premises at 75-B, Durgalaya Road, Tiruvarur-610 002 until the final disposal of R.P.No. 568 of 2024 pending before the 1st respondent.



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For Petitioner :Mr.Krishna Srinivasan, Senior Counsel
for Mr.Vadiraj Anirudh S G

For Respondents: Mr.N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

The Writ Petition is filed to call for the records relating to the impugned order dated 06.05.2025 in R.P.No. 568/2024 passed by the 1st respondent and quash the same as arbitrary and illegal, and also consequently to forbear the respondents from in any manner interfering with the petitioner's peaceful possession and functioning in the premises at 75-B, Durgalaya Road, Tiruvarur-610 002, till the final disposal of R.P.No. 568 of 2024 pending before the 1st respondent.

2. Heard Mr.Krishna Srinivasan, learned Senior Counsel appearing on behalf of Mr.Vadiraj Anirudh S G, learned counsel for the

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petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government

Pleader appearing for the respondents.

3.This Court, by order dated 15.10.2025, had directed the petitioner to pay a sum of Rs.30,00,000/- on or before 17.11.2025 and also to surrender an extent of 53,268 sq.ft after 22.10.2025 but before 25.10.2025.

4.The learned senior counsel appearing for the petitioner would submit that both the conditions have been complied with, in time, without seeking seeking any further extension. It is recorded even in the order dated 15.10.2025 that the petitioner School retained an extent of 25,000 sq.ft. for the functioning of the school. The learned senior counsel, referring to the rough sketch produced today, submitted that the playground area of an extent of 15,000 sq.ft is necessary for



effective running of the school, as otherwise the School will not have any space or playground for the students. He would further submit that the 1st respondent may consider the request of the petitioner for leasing out the said 15,000 sq.ft for use as a play ground for the school and that the petitioner is also willing to agree to the terms that may be set out for such lease, in accordance with law.

5. The learned Special Government Pleader appearing for the respondents would submit that the order which is under challenge arises out of proceedings under Section 78 and that a revision is pending under Section 21 of the H.R & C.E when the interim order came to be passed, directing the entire arrears of Rs.1,65,92,312/- to be paid in three installments. It is aggrieved by the said order that the present writ petition has been filed. He would further submit that since the revision is pending, it would be appropriate for the 1st respondent to



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decide as to whether the request of the petitioner for leasing out the 15,000 sq.ft for use of the petitioner-school as a playground can be considered positively. As regards the fixation of fair rent for the retained extent of 25,000 sq.ft, the learned Special Government Pleader would submit that a three-member Committee under Section 34A has to certainly go into the same.

6. Considering the submissions made by the learned counsels, this Writ Petition is disposed of on the following terms:

i. The order impugned in the present writ petition dated 06.05.2025 is set aside in view of the order passed in this writ petition on 15.10.2025.

ii. Pending revision, the petitioner shall give a representation requesting for lease of the additional area for use of the



Petitioner-school as a playground, within two weeks from the date of receipt of a copy of this order.

iii. *On the receipt of the said representation, the 1st respondent shall decide the request of the petitioner-school within a period of eight weeks, after affording an opportunity by way of personal hearing to the petitioner.*

iv. *If the Commissioner grants concurrence for the lease of the 15,000 sq.ft to the petitioner-School, then the matter shall be referred to the three-member Committee under Section 34A for determination of the fair rent payable not only in respect of the 15,000 sq.ft but also in respect of the retained area of 25,000 sq.ft.*



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v. *It is also made clear that, subject to the above directions, it is open to the 1st respondent to thereafter dispose of the revision filed under Section 21.*

vi. *It is open to the petitioner to also make an additional request to the 1st respondent, pending the final decision, the petitioner-School may be permitted to use the 15,000 sqft as a play ground. The said interim request*

shall be disposed of within a period of two weeks thereafter.

7. With the above directions, this Writ Petition is disposed of .

No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes/No

Speaking Order : Yes / No

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To

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Hindu Religious And Charitable Endowments
Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai -600 034.

2.The Joint Commissioner,

Hindu Religious And Charitable Endowments
Department, Asn Colony, Melakottaivasal,
Nagapattinam -611 001.

3.The Assistant Commissioner,

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4.The Executive Officer,

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P.B. BALAJI, J,

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