



WEB COPY



W.P.Nos.41941 , 41945, 41950 and 41953 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.Nos.41941 , 41945, 41950 and 41953 of 2025

W.P.No.41941 of 2025

Sri Kanchi Vedhikesari Azhagiya Manavala Jeeyar
Mutt represented by its Pontiff:
Sri Sampath Kumara Ramanuja Jeeyar
No..21, East Mada Street,
Kancheepuram – 631501.

... Petitioner

Vs.

1. The Joint Commissioner,
H.R. & C.E. (Admn, Department),
Kancheepuram.
2. The Assistant Commissioner,
H.R. & C.E. Department, Kancheepuram.
3. Gnaneswari

... Respondents

W.P.No.41945 of 2025

Sri Kanchi Vedhikesari Azhagiya Manavala Jeeyar
Mutt represented by its Pontiff:
Sri Sampath Kumara Ramanuja Jeeyar
No..21, East Mada Street,
Kancheepuram – 631501.

... Petitioner

Vs.

1. The Joint Commissioner,



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H.R. & C.E. (Admn, Department),
Kancheepuram.

2. The Assistant Commissioner,
H.R. & C.E. Department,
Kancheepuram.

3. Selvam

... Respondents

W.P.No.41950 of 2025

Sri Kanchi Vedhikesari Azhagiya Manavala Jeeyar
Mutt represented by its Pontiff:
Sri Sampath Kumara Ramanuja Jeeyar
No..21, East Mada Street,
Kancheepuram – 631501.

... Petitioner

Vs.

1. The Joint Commissioner,
H.R. & C.E. (Admn, Department),
Kancheepuram.

2. The Assistant Commissioner,
H.R. & C.E. Department,
Kancheepuram.

3. Gajapathy

... Respondents

W.P.No.41953 of 2025

Sri Kanchi Vedhikesari Azhagiya Manavala Jeeyar
Mutt represented by its Pontiff:
Sri Sampath Kumara Ramanuja Jeeyar
No..21, East Mada Street,
Kancheepuram – 631501.

... Petitioner

Vs.



W.P.Nos.41941 , 41945, 41950 and 41953 of 2025

1. The Joint Commissioner,
H.R. & C.E. (Admn, Department),
Kancheepuram.

2. The Assistant Commissioner,
H.R. & C.E. Department,
Kancheepuram.

3. Sivagami

4. Sarathi

5. D.Ganesan

... Respondents

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, praying to Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the orders dated 21.08.2025 made in Miscellaneous Petition Nos.119-1/2022, 119-2/2022, 119-3/2022 and 119-4/2022 and quash the same as illegal, ultravires, without jurisdiction and against principles of natural justice and direct the first respondent to conduct the enquiry under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in accordance with law in Miscellaneous Petition Nos.119-1/2022, 119-2/2022, 119-3/2022 and 119-4/2022.

For Petitioner : Mr.D.Rajagopal
in all W.Ps

For Respondents : Mr.N.R.R.Arun Natarajan,
in all W.Ps. Special Government Pleader
(for R1 & R2)



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COMMON ORDER

Heard Mr.D.Rajagopal, the learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader appearing for the first and second respondents.

2. The primordial grievance of the writ petitioner is that the action sought against the third to fifth respondents in these writ petitions proceedings were initiated under Section 78 Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the Act' for short) However, by orders dated 21.08.2025, the first respondent has closed the enquiry and directed the petitioner to take out fresh proceedings after clarifying the position regarding fair rent fixed, being paid by the third to fifth respondents.

3. Mr.D.Rajagopal, the learned counsel for the petitioner, would invite my attention to the finding in the impugned orders, where the first respondent records that the third to fifth respondents have not appeared before him. However, in the concluding portion of the order, the first



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respondent has proceeded to find that the third to fifth respondents are agreeable to pay the fair rent and therefore, on that basis, proceedings under Section 78 of the Act were closed with liberty.

4. The said proceedings under Section 78 of the Act are independent proceedings, which are not summary in nature and will have to be proceeded with in accordance with law, in terms of the Rules and Regulations prescribed under the Act. The mere fact there has been an order fixing fair rent cannot come in the way of the authorities taking up or deciding the application under Section 78 of the Act. In any event, I find inconsistency in the orders passed by the first respondent where at one breath he records that the third to fifth respondents have not appeared. However, at another place, he records that the third to fifth respondents are willing to pay the fair rent fixed.

5. In the light of the above, I am inclined to set aside the impugned orders. Accordingly, the impugned orders dated 21.08.2025 are hereby



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set aside and the matter is remitted to the first respondent to conduct due enquiry under Section 78 and decide the same on merits and in accordance with law.

6. In the result, these Writ Petitions are disposed of. No costs.

07.11.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
kv

To

1. The Joint Commissioner,
H.R. & C.E. (Admn, Department),
Kancheepuram.
2. The Assistant Commissioner,
H.R. & C.E. Department,
Kancheepuram.



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P.B.BALAJI, J.

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