



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 11.11.2025

Order pronounced on : 05.12.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.No.40883 of 2025

& WMP.Nos.45828 & 45829 of 2025

A.Vijayakumar

... Petitioner

Vs.

1.The Secretary to Government,
Hindu Religious & Charitable Endowment Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Numgambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Mayiladuthurai.

4.The Hereditary Trustee,
Darumapura Adhinam,
Arulmiku Amirthakadeswarar Swami Thirukovil,
Thirukkadaiyur,



Tharangampadi Taluk,
Mayiladuthurai.

5.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Mayiladuthurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent relating to the order bearing G.O.Ms.No.437, Tourism, Culture and Trusts Department (A.Ni.3-2) dated 15.10.2025 made in Revision Petition No.21 of 2025, confirming the order of the 2nd respondent in R.P.No.541 of 2024 D2, dated 16.04.2025, confirming the order of the 3rd respondent in M.P.No.40 of 2023 dated 10.10.2024 and the consequential of the order of the 5th respondent bearing Na.Ka.No.ACO14/311-1/2024-C1 dated 17.10.2025 and quash the same and consequently direct the 4th respondent to renew the lease of the building S.No.408/3 (New S.No.603/1 to the extent of Ac.0.50 cents in favour of the petitioner.

For Petitioner : Mr.S.Ayyathurai

For Respondents : Mr.K.Karthikeyan
Government Advocate for RR1, 3 & 5
Mr.M.Manivasagam
for M/s.M.Manivasagam Associates
for R4

ORDER



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The petitioner seeks issuance of a writ of Certiorarified Mandamus, to quash the order passed by the 1st respondent in Revision Petition No.21 of 2025, confirming the order of the 2nd respondent in R.P.No.541 of 2024 D2, dated 16.04.2025, who in turn had confirmed the order of the 3rd respondent in M.P.No.40 of 2023 dated 10.10.2024 and the consequential order of the 5th respondent, bearing Na.Ka.No.ACO14/311-1/2024-C1 dated 17.10.2025, with a consequential direction to the 4th respondent to renew the lease of the building S.No.408/3 (New S.No.603/1 to the extent of Ac.0.50 cents in favour of the petitioner.

2.I have heard Mr.S.Ayyathurai, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate for the respondents 1, 3 and 5 and Mr.M.Manivasagam, learned counsel for the 4th respondent.

3.The learned counsel for the petitioner would submit that the petitioner has been a tenant admittedly under the 4th respondent right from 2003 and has been paying rents regularly, besides expending substantial expenses towards the maintenance and development of the tenanted



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property itself. Despite the same, the learned counsel for the petitioner contends that the 4th respondent has issued notices as early as in December 2022 and February 2023, alleging default committed by the petitioner in payment of rents and also requiring the premises for their own use and occupation. He would further submit that the 4th respondent is only intending to let out the property to third parties for higher rent and the request for own use is malafide and not genuine.

4.The learned counsel for the petitioner would further state that despite diligent steps taken by the petitioner to pay the rents, the 4th respondent has mischievously, in order to gain undue advantage, has returned the payments, which has led to the eviction proceedings under the Tamil Nadu HR & CE Act, 1959. He would further submit that the 4th respondent owns two other guest houses, the very existence of which has been suppressed, clearly making the claim for own use and occupation malafide. He would further submit that the petitioner was also denied a fair hearing and there has been violation of principles of natural justice. He would therefore state that when the action initiated by the 4th respondent was clearly motivated and malafide and the petitioner has attempted to pay



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rents payable as well, the respondents ought to have considered the petitioner's request for renewal of lease. He would therefore pray for the writ petition being allowed.

5.Per contra, the learned counsel appearing for the 4th respondent would submit that the 4th respondent maintains and administers several temples and one such temple is Thirukadaiyur Sri Abhirami Ammai Sametha Sri Amirthakadeshwarar Temple. He would further submit that the petitioner has been a chronic defaulter in payment of rents ever since inception of tenancy and it is absolutely false and incorrect to allege that he was regular and prompt in payment of rents. Considering his conduct, the lease was also not renewed beyond 31.03.2022 and he was directed to vacate and hand over possession and a lawyer's notice was also issued on 21.12.2022. Despite the said notice, the petitioner did not come forward to pay the arrears of rent and instead, by request letter dated 30.12.2023, sought for renewal of lease. The said request was rejected by reply dated 27.02.2023, calling upon the petitioner to hand over the vacant possession of the tenanted premises.



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6.The learned counsel for the 4th respondent would further submit that since the petitioner did not comply with the demand for handing over possession, proceedings were initiated under Section 78 of the HR & CE Act. It is also contended by the learned counsel for the 4th respondent that the petitioner paid the entire arrears in one lumpsum by payment of deposit of Rs.6,55,000/- only in pursuance of direction issued in WP.No.3974 of 2024 and this clearly exposes the falsity in the claims made by the petitioner.

7.The learned counsel for the 4th respondent would further submit that the petitioner and his brother are going all out to prevent the 4th respondent from recovering possession of the property and that they have instigated one Ramachandran to file a Public Interest Litigation in WP.No.10359 of 2025, as if the 4th respondent has encroached on grama natham lands. He would would invite my attention to the order passed in the said writ petition, which came to be withdrawn, after an undertaking was given by the said Ramachandran that he would not file any other Public Interest Litigation on the same subject matter in future. He would also invite my attention to the order passed in WP.No.20787 of 2025 which was yet another attempt made



by the petitioner and his brother to continue their illegal stay in the property.

The said writ petition also came to be dismissed, finding that it was clear abuse and cost of Rs.5 lakhs was imposed on the petitioner's brother.

8.As regards the allegation that the property is going to be let out to third parties for higher rent, the learned counsel for the 4th respondent would rely on the averments in the counter affidavit dated 02.11.2025, where at paragraph No.6(ii), the 4th respondent has stated that “the need of the property is for a temple use and temple related activities and the property will not be given to any third parties, as alleged by the petitioner”. A separate affidavit has also been sworn to by the 4th respondent on 02.11.2025, where the 4th respondent has stated that there is serious shortage of accommodation and therefore, only in order to provide accommodation for the devotees and for housing students of the Music School run by the temple, the property is going to be utilized.

9.In reply, the learned counsel petitioner would submit that he has nothing to do with the brother or the said Ramachandran who filed a Public Interest Litigation and suffered adverse orders. He would therefore state that the said cases filed by the persons are not connected to the petitioner cannot



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be put against the petitioner. He would further state that he is running a lodging house in the tenanted premises and he has already made bookings upto August 2026 and therefore, he is willing to vacate by end of August 2026, undertaking to pay the rents upto August 2026. He would also rely on certain receipts to show that bookings have been made for eight rooms in July 2026 and seven rooms in August 2026. He would also rely on the Government communication in Na.Ka.No.36755/2020-U4 dated 28.09.2020, where the Government had recommended extension of tenancies by two years on account of Covid – 19 pandemic. He would therefore pray for dismissal of the revision.

10.The learned Government Advocate, Mr.K.Karthikeyan, appearing for the respondents 1, 3 and 5 would support the arguments of the learned counsel for the 4th respondent, besides contending that the orders passed in Section 78 proceedings were proper and in accordance with law and there is no case made out for interference under Article 226 of Constitution of India. He would also pray for dismissal of the writ petition.

10.I have carefully considered the submissions advanced by the



learned counsel on either side.

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11. It is not in dispute that the petitioner has been a tenant under the 4th respondent. The 4th respondent has required the petitioner to vacate and hand over vacant possession even as early as in 2022, stating that not only the petitioner is a defaulter in payment of rents, but also the property was required for the use of the temple. As the petitioner did not comply with the demands for vacating and handing over vacant possession, proceedings came to be initiated under Section 78 of the Act. The 3rd respondent, by order dated 10.10.2024, held that the petitioner is an encroacher and liable to vacate and hand over vacant possession. The petitioner challenged the order by way of revision to the 2nd respondent. The 2nd respondent by order dated 15.10.2025, confirmed the order of the 3rd respondent, finding that there was no merit in the revision and the petitioner was an encroacher and liable to vacate. Before the 3rd respondent as well as the 2nd respondent, I am able to see from the records that the petitioner has been given sufficient opportunity before orders were passed. I am not able to countenance the submissions of the learned counsel for the petitioner that there has been a violation of principles of natural justice.



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12. In fact, before disposing of the revision, the 2nd respondent has even afforded legal assistance for the petitioner. Not satisfied with the concurrent findings rendered by the authorities under the Act, the petitioner also filed a further revision petition before the 1st respondent. In fact, before the 3rd respondent, the petitioner has not even chosen to lead any oral evidence, leave alone relying upon any documentary evidence, though the 4th respondent has chosen to examine P.W.1 and also mark Ex.A1 to Ex.A5. Before the 2nd respondent, the petitioner was represented by a counsel and only after hearing the arguments of the petitioner, the revision petition came to be disposed of. I find that even before the 1st respondent as well, the petitioner was represented by a counsel and orders were passed only after affording an opportunity to the petitioner. In the light of the above, there is no merit in the argument of the learned counsel for the petitioner that there has been a violation of principles of natural justice.

13. In fact, before the 2nd respondent, the petitioner has also raised additional grounds, which have also been considered by the 2nd respondent. On going through the concurrent orders passed by the authorities, as well as



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the 1st respondent, I do not find any infirmity in the findings arrived at, treating the petitioner as an encroacher, after termination of the tenancy, which was admittedly not extended beyond 31.03.2022. There is no infirmity in initiation of proceedings under Section 78 of the Act and consequent orders being passed. I do not see any bonafides in the request of the petitioner that he has made bookings upto August 2026 and therefore, he will vacate by end of August 2026 and since the requirement is for Veda Padasala, the Veda Padasal can be commenced after August 2026. the 4th respondent may be directed to start the Veda Padasala after August 2026. It is very unfortunate that an encroacher and a defaulter in payment of rents is attempting to dictate terms to the 4th respondent. The claim of prompt payment of rents is also falsified by lumpsum payments made by the petitioner, that too, after directions were issued by this Court, in a writ petition.

14.Further, the only apprehension raised by the petitioner was that the property is going to be let out to third parties for higher rent and considering the Government communication to extend the leases by two years, on account of Covid – 19 pandemic, the petitioner is willing to renew the lease,



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undertaking to pay the rents promptly. I do not see any bonafide in the said request.

15.The receipts, that have been relied on by the petitioner are highly doubtful. They are self serving documents, as if some third parties have made advance bookings for eight rooms and seven rooms respectively for occupation of 50 and 45 persons in July 2026 and August 2026. These documents appear to be created only for the purposes of the present case. The documents do not even contain a date and receipts in support of the alleged advance payments received are also not produced to corroborate the genuineness of the said bookings made for July and August 2026 respectively.

16.Even though the learned counsel for the petitioner may be right in contending that the case filed by Ramachandran and his brother cannot be put against the writ petitioner, even assuming such contention is accepted, even otherwise the petitioner, who is liable to be evicted under Section 78 cannot as a matter of right seek continuance of possession and renewal of tenancy, especially when two authorities, after detailed enquiry, have come



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to the conclusion that the petitioner is an encroacher under Section 78 and liable to be evicted. The revision to the 1st respondent has also been unsuccessful. In the light of the above, I do not find any grounds warranting interference, that too, under Article 226 of Constitution of India. There is no merit in the writ petitioner.

17. In the result, the Writ Petition is dismissed. The petitioner shall vacate and hand over vacant possession of the tenanted premises by 31.01.2026. It is made clear that no further extension of time shall be granted to the petitioner. No costs. Connected Writ Miscellaneous Petitions are closed.

05.12.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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P.B. BALAJI,J.

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Pre-delivery order made in
W.P.No.40883 of 2025
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