



W.P.No.42491 of 2025 etc b.....

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.B. BALAJI

**W.P.No.42491, 42497, 42499, 42500 to 42503 and 42506 of 2025
and W.M.P.Nos.47548, 47550, 47559, 47561, 47563, 47565, 47567,
47571, 47564, 47568, 47570, 47566, 47569, 47574, 47575, 47573, and
47577 of 2025**

A.Kandhan

...Petitioner

Vs

1. The District Collector
District Collector Office Compound,
Kancheepuram District - 631 501

2.The Commissioner,
Hindu Religious And Charitable
Endowments Department, 119,
Uthamar Gandhi Rd, Thousand
Lights West, Nungambakkam,
Chennai-600 034

3.The Joint Commissioner,
Hindu Religious And Charitable
Endowments Department, No.11/20,
A.K.Thangavelar Street,
Kanchipuram 631 503



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4.The Tahsildar
Office Of Tahsildar, Wallajabad,
Kanchipuram District -631 605.

5.The Special District Revenue
Officer (Ia),
Highways Department, District
Collector Office Compound,
Kanchipuram 631501.

6.The Assistant Commissioner
Hindu Religious And Charitable
Endowments Department,
Kanchipuram Collectorate,
Kancheepuram District.

7.The Inspector Of Police
Wallajabad Police Station,
Wallajabad,
Kanchipuram District -631 605.

8.The Thakkar
Arulmigumohambariammanthirukoil,
Ayanpettai Village,
Wallajabadtaluk,
Kancheepuram District -631 601

....Respondents

PRAYER in W.P.No.42491 of 2025: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to order passed by the 3rd respondent in M.P.No.121 of 2025 dated 07.08.2025 against the



petitioner and quash the same since the same is unsustainable in law and also against the Principles of natural Law and justice and consequently direct the respondents 1 to 6 and 8 to follow the rules and provisions of the Tamil Nadu Hindu Religious And Charitable Endowment Act 1959 and previous orders of this Court.

For Petitioner : Mr.M.Vijay Anand
in all W.Ps

For Respondents :Mr.N.R.R.Arun Natarajan
in all W.Ps Special Government Pleader

COMMON ORDER

This writ petition is filed for the issuance of a writ of certiorarified mandamus, calling for the records pertaining to order passed by the 3rd respondent in M.P.No.121 of 2025 dated 07.08.2025 and to quash the same.

2. Heard Mr.M.Vijay Anand, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents.



3. Mr.M.Vijay Anand, learned counsel for the petitioner in all the writ petitions would submit that the petitioners have been in respective possession of their properties for the last 45 years and all of a sudden, the department has initiated action against the petitioners, taking advantage of the patta having been mutated in the name of the temple and also in view of the fact that the compensation in the land acquisition proceedings has been paid to the temple/department. The learned counsel would further submit that challenging the orders passed under Section 78(2) of the Hindu Religious and Charitable Endowment (H.R & C.E) Act, revision petitions were filed before the Commissioner under Section 21 of the H.R. & C.E Act and the same have not been taken on file as on date. He would further submit that before the Joint Commissioner, the petitioners have questioned the maintainability and jurisdiction of the Joint Commissioner to invoke Section 78 of the H.R.&C.E Act and without deciding the maintainability of the interlocutory applications taken out by the petitioners, the Joint Commissioner has proceeded to decide the Section 78 application itself, thereby resulting in orders of eviction.



The learned counsel would submit that, despite the specific earlier direction of this Court that the petitioners' representation should be disposed of and action should be taken in accordance with law, the respondents have failed to comply with the orders of this Court.

4. Per contra, learned special Government Pleader appearing for the respondents would submit that the petitioners have already filed three writ petitions on the very same subject matter and invited the attention of this Court to the order passed in W.P.No.37878 of 2024 dated 11.12.2024 wherein the case of the petitioners was rejected, holding that the sale in favour of the vendor of the petitioner's husband, not having been sanctioned by the Competent Authority, is a void document. However, this Court directed that the petitioner's representation should be disposed of in accordance with law and that any action to take over possession should be only in terms of law. It is thereafter that some of the petitioners have moved yet another writ petition in W.P.No.39447 of 2024 and this Court, by order dated 02.01.2025, reiterated that the action should be taken by the authorities



in accordance with law and further directed the Tahsildar, 4th respondent to decide the request of the petitioners for cancellation of patta in the name of the temple within a period of three months. He would further submit that the Tahsildar has conducted a detailed enquiry and rejected the case of the petitioners. The said order is now under challenge in W.P. No. 33437 of 2024, and the same is pending consideration before this Court.

5. The present impugned proceedings challenge the order passed by the Joint Commissioner under Section 78(2) of the H.R.&C.E Act. The remedy available to the petitioners is by way of revision under Section 21 of the H.R.&C.E Act which has already been availed of. However, the Commissioner has returned the application, directing the petitioners to approach the competent Civil Court, impliedly holding that the revision is not maintainable. The learned Special Government Pleader, referring to Section 79(2), would submit that the remedy available to the petitioners is to file a suit before the competent civil Court and to establish that the religious institution has no title to the



property and admittedly, such a civil suit has not been filed and therefore there is no impediment for the proceedings to go on under Section 79(2) to recover possession of the property from the petitioners.

6. I am unable to countenance the argument of the learned Special Government Pleader in this regard. Section 21 provides for a statutory revision to the Commissioner against any orders passed by the Joint Commissioner, Deputy Commissioner or Assistant Commissioner. Though the language of Section 21 states that any such order should not be a proceeding in respect of which a suit or appeal is provided by the Act or in respect of an application or revision that has been preferred under Section 21-A of the Act and is pending disposal by the Joint Commissioner or Deputy Commissioner, Section 79(2) only enables the aggrieved party, against an order of the Joint Commissioner under Section 78(4) to institute a suit to establish that the religious institution or endowment does not have title to the property. It is not a remedy that is made available by way of an



alternate statutory remedy available under the Act. It is only an enabling provision to the aggrieved party to file a suit to establish that the religious institution has no right or title over the property. Therefore, Section 79(2), in my considered opinion, will not place an embargo on the petitioners to invoke the revisional powers of the Commissioner under Section 21 of the H.R.& C.E. Act and to file a revision.

7. Admittedly, the petitioners have filed the revision petitions and the same have been returned by the Commissioner. In view of the earlier orders suffered by the petitioners and the directions issued thereunder and since the impugned proceedings have been passed consequently, I am not inclined to disturb the order passed by the Joint Commissioner under Section 78 of H.R and C.E Act. However, considering that the revision petitions are pending, the same shall be disposed of within a period of eight weeks from the date of receipt of a copy of this order after hearing the petitioners and uninfluenced by any observations that has been made in any of these writ petitions. The



Commissioner shall independently decide the revisions on merits and in accordance with law. Till such time, the petitioners shall not be dispossessed. The original revisions filed by the petitioners shall be returned to the learned counsel for the petitioners after obtaining the necessary endorsement enabling them to represent the same before the Commissioner. It is open to the petitioners to canvas all their objections before the Commissioner.

8. With the above observation, this writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

Index : Yes/No

Speaking Order : Yes / No

srn

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P.B. BALAJI, J,

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