



WEB COPY

WP No. 44978 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

WP No. 44978 of 2025

M.A.Raphel

..Petitioner(s)

Vs

1.The Commissioner

Hr And Ce Department, No 119, Uthamar Gandhi
Salai, Nungamabakkam, Chennai 600 034

2.The Joint Commissioner

Hr And Ce Department, No 119, Uthamar Gandhi
Salai, Nungamabakkam, Chennai 600 034

3.The Executive Officer

Arulmigu Sundaraja Perumal And Anjaneya Swamy
Thirukoil, Choolai, Chennai 600 112

4.SATHIS

5.SRIDHAR

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India for
issuance of writ of mandamus seeking a direction to direct the respondents 1



and 2 to consider the representations of the petitioner dated 08.03.2010 and 07.09.2010 and transfer the tenancy right to the name of the petitioner in respect of the property belong to Arulmigu sundaraja perumal and Anjaneya swamy thirukoil situated at No 79, B.B. road, Vyasarpadi and a portion of land to the extent of 1200 Sq.ft in the light of the resolution passed by the 3rd respondent dated 30.03.2007.

For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mr.S.Ravichandran
Additional Government Pleader (for R1 to R3)

ORDER

This writ petition has been filed seeking a writ of mandamus to direct the respondents 1 and 2 to consider the representations of the petitioner dated 08.03.2010 and 07.09.2010 and transfer the tenancy right to the name of the petitioner in respect of the property belong to Arulmigu sundaraja perumal and Anjaneya swamy thirukoil situated at No 79, B.B. road, Vyasarpadi and a portion of land to the extent of 1200 Sq.ft., in the light of the resolution passed by the 3rd respondent dated 30.03.2007.



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2. Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader for the respondents 1 to 3/respondent department.

3. Learned counsel for the petitioner submits that the petitioner has been in possession of only 1,200 Sq.ft of the property belonging to the temple out of 4,891 Sq.ft of land at No.79, B.B.Road, Vysarpadi, Chennai. Ever since 1993, the petitioner is paying dhandal to one V.Kannan, who is the original allottee from the Arulmigu Sundaraja Perumal and Anjaneya Swamy Thirukoil, Choolai. The petitioner, subsequent to knowing the demise of the said V.Kannan has approached the Executive Officer, who has also recommended transfer of the tenancy in favour of the petitioner subject to certain monetary conditions to be complied with and accordingly, the petitioner has already deposited a sum of Rs.1,70,586/- (Rupees one lakh seventy thousand five hundred and eighty six only) and fulfilled the conditions imposed on the petitioner, which was at the rate of 15 times the monthly rent, working out the arrears from 01.11.2001.



4. The grievance of the petitioner is that, despite the amount being deposited and the Executive Officer recommending for transfer of tenancy in favour of the petitioner, the 2nd respondent failed to approve the transfer in favour of the petitioner.

5. Mr.V.Elangovan, learned counsel for the petitioner therefore prays that the 1st respondent may be directed to pass orders and restricts his relief to only to 1,200 Sq.ft., and not to the entire 4891 Sq.ft. He also undertakes that proportionate payment in respect of the arrears demanded by the temple would be paid by the petitioner provided reasonable time is granted.

6. Mr.S.Ravichandran, learned Additional Government Pleader would submit that right from 2018, the Executive Officer has been issuing notice to the petitioner calling upon the petitioner to pay the arrears and proceedings under Section 78 in Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (the Act) have already been initiated against the petitioner and others. On instructions, he states that, as on date, more than Rs.15,00,000/- (Rupees Fifteen Lakhs only) is due and payable by the petitioner.



7. However, after hearing the learned counsel, I find that, though entire extent of the property is over two grounds in extent, the petitioner has asserted that he is in possession of only 1,200 sq.ft., and he is not concerned with the remaining portion of the property, which is under the occupation of the 4th and 5th respondent.

8. Considering that, even as early as in 2007, consequent to the demise of original allottee V.Kannan, admittedly recognised by the temple, the 2nd respondent has not passed any orders transferring the tenancy/allotment in favour of the petitioner. In fact, the petitioner has also deposited a sum of Rs.1,70,586/- to comply with the condition imposed for transferring the tenancy in favour of the petitioner.

9. Considering that, the property is admeasuring 4,891 Sq.ft and the right claimed by the petitioner is only to an extent of 1,200 Sq.ft, I do not see any impediment for the official respondents to consider the request of the petitioner to transfer the tenancy in his favour, especially, in light of the recommendation made by the Executive Officer as early as in March 2007 and considering that, as on date Section 78 proceedings have already been initiated and the arrears



according to the temple/department is more than Rs.15,00,000/-, I proceed to dispose of the writ petition in the manner as follows:-

a)The petitioner shall pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) towards arrears of rent being an approximate payment, insofar as the property in occupation of the petitioner is concerned, within a period of four (4) weeks from the date of receipt of a copy of this order to the 3rd respondent and subject to the compliance of the said payment, the 2nd respondent shall pass orders on the pending recommendations of the 3rd respondent to transfer the tenancy in favour of the petitioner, in respect of only 1,200 sq.ft.

b)Till such time the 2nd respondent passes final order regarding the recommendation of the 3rd respondent to transfer the tenancy in favour of the petitioner, no coercive steps shall be taken under Section 78 of the Act.

c)It is made clear that there is no prohibition for the respondent department to proceed against the 4th and 5th respondent in respect of the remaining extent of the property.



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P.B.BALAJI J.

10. With the above directions, this writ petition is disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Commissioner

Hr And Ce Department, No 119, Uthamar Gandhi

Salai, Nungamabakkam, Chennai 600 034

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