



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

W.P. Nos.46187, 46189, 46190, 46191, 46192, 46193 & 46194 of 2025

and

**W.M.P. Nos.51508, 51511, 51517, 51509, 51515, 51519, 51510, 51513,
51520, 51512, 51516, 51521, 51514, 51518, 51522, 51523, 51524, 51526,
51525, 51527 & 51528 of 2025**

G.Sumathi	...Petitioner in W.P.No.46187 of 2025
G.Chandran	...Petitioner in W.P.No.46189 of 2025
R.Selvi	...Petitioner in W.P.No.46190 of 2025
M.Raghavan	...Petitioner in W.P.No.46191 of 2025
P.K.Kumar	...Petitioner in W.P.No.46192 of 2025
S.Raja @ Veerappan	...Petitioner in W.P.No.46193 of 2025
R.Muruganandham	...Petitioner in W.P.No.46194 of 2025

Vs.

1.State of Tamil Nadu,
Rep. by Secretary to Government,
Hindu Religious & Charitable Endowment Department,
Secretariat, Fort St. George,
Chennai – 600 009.

1/10



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

3. The Joint commissioner,
Hindu Religious & Charitable Endowment Department,
11/20, A.K. Thangavelar Street,
Kanchipuram – 631 501.

4. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Collectorate Complex,
Chengalpattu – 603 001.

5. The Executive Officer,
Arulmighu Padavettamman & Kolatciamman Temples,
Kaspapuram,
Madambakkam (Post),
Tambaram Taluk,
Chennai – 600 126.

.. Respondents in all WPs.

COMMON PRAYER: These Writ Petitions filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorarified Mandamus, calling for the records from the 4th respondent relating to the proceedings bearing Na.Ka.No.1964/2025-1/E2 dated 14.11.2025 and quash the same and consequently direct the respondents to treat the petitioner as a tenant of

2/10



the land of the 5th respondent temple for the land measuring 810 sq.ft and fix reasonable land rent for the said land on which the petitioners put a house in

S.No.7/6.

For Petitioner	Mr.S.Ayyathurai, in all WPs.
For Respondents	Mr.N.R.R.Arun Natarajan, Special Government Pleader in all WPs.

ORDER

Heard Mr.S.Ayyathurai, learned counsel for the petitioner in all these writ petitions and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the respondents.

2.The proceedings have arisen under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959, where the petitioners have been treated as encroachers and have been called upon to vacate their respective premises.

3/10



WEB COPY

3.It is the contention of the learned counsel for the petitioners that all these petitioners have put up construction out of their self earned monies and have been in physical possession and enjoyment for over 20 years, despite the Sub-Collector recommending the authorities to regularize the tenancies of the writ petitioners, by fixing fair rent for the land. According to the petitioners, no proceedings were initiated by the department thereafter. However, without even referring to the recommendations of the Sub-Collector, the respondents have proceeded to initiate coercive proceedings under Section 78 of HR & CE Act.

4.The learned counsel for the petitioners states that the petitioners are willing to pay the fair rent for the land and as on date, according to the learned counsel, the fair rent has not been fixed, despite the recommendations given by the Sub-Collector which also considered by the Joint Commissioner in proceedings Na.Ka.No2758/2024-2/AA1 dated 4/10



27.01.2025.



WEB COPY

5.It was brought to my notice by the learned Special Government Pleader that even in the said communication issued by the Joint Commissioner, it had been made clear that the petitioners must agree to surrender the buildings to the temple and agree for fixation of fair rent for the land and building for the tenancies to be regularized.

6.The learned counsel for the petitioners however states that, the petitioners cannot be called up to pay rents for the buildings put up by them admittedly and originally, it was only a private temple and only after the petitioners came to occupy their respective properties, the temple was handed over to the department and therefore, it would be unreasonable for the respondents to claim fair rent for the superstructure. The learned counsel for the petitioners would also states that, other than the petitioners, some of the other occupants have challenged the orders passed by the 3rd respondent by way of filing revision and the same are pending before the 2nd respondent.

7.Be that as it may, considering that the petitioners have admittedly



WEB COPY

constructed their respective houses and they had been residing for more than two decades and the Sub-Collector has also recommended for fixation of fair rent, in respect of lands alone, which are in the occupation of the respective writ petitioners way back in 2016, I am inclined to dispose of the writ petitions in the following manner:

(i).The petitioners shall make a representation, individually, to the 3rd respondent stating that they are willing to pay the fair rent, that is fixed in accordance with law, in respect of the land under their occupation.

(ii).Unconditionally, declare that they will give up the right over the superstructure, as and when they vacate the property.

8.Subject to the above representations being given within a period of four weeks from the date of receipt of a copy of this order, Section 78 proceedings shall stand suspended, in the event of representation being given in the manner indicated herein above. Then, the 3rd respondent shall proceed to have the fair rent fixed, in respect of the lands under the

6/10



WEB COPY

occupation of respective writ petitioners, in accordance with law, after giving fair opportunity to the respective petitioners, within a period three months thereafter. Once the fair rent is fixed, the petitioners shall comply with the order fixing fair rent, by duly paying the same, promptly and without committing any default, prospectively. In the event of any default committed by the petitioners, the Section 78 proceedings may be reopened and further action can be taken in accordance with law.

9. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

25.11.2025

smv

Index :Yes/No

Neutral Citation :Yes/No

Speaking order :Yes/No



WEB COPY



To,

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,
Nungumbakkam,
Chennai – 600 034.

3.The Joint commissioner,

8/10



Hindu Religious & Charitable Endowment Department,
11/20, A.K.Thangavelar Street,
Kanchipuram – 631 501.

WEB COPY

4.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Collectorate Complex,
Chengalpattu – 603 001.

5.The Executive Officer,
Arulmighu Padavettamman & Kolatciamman Temples,
Kaspapuram,
Madambakkam (Post),
Tambaram Taluk,
Chennai – 600 126.

P.B. BALAJI, J.

smv



WEB COPY



**W.P. Nos.46187, 46189, 46190,
46191, 46192, 46193 & 46194 of 2025**

25.11.2025