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W.P.No.48190 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 48190 of 2025

AND

**WMP NO. 53848 OF 2025, WMP NO. 53850 OF 2025, WMP NO. 53851 OF
2025, WMP NO. 53852 OF 2025**

1. S.Kamalakaran

S/o. M.Shanmugam,

No. 5/150 Anna Cross Road,

Kaspapuram, Madambakkam (post)

Tambaram Taluk, Chennai 126.

2.M.Rajendran

S/o. V.Munusammy Pillai,

5/204 Ganesh Nagar Main Road,

Kaspapuram, Madambakkam (post)

Tambaram Taluk, Chennai 126.

3.G.Kathir Vel

S/o. Govindsamy Pillai,

5/349 Ganesh Nagar Main Road,

Kaspapuram, Madambakkam (post)

Tambaram Taluk, Chennai 126.

4.G.Jaishankar

S/o. Govindsamy Pillai,

5/349 Ganesh Nagar Main Road,

Kaspapuram, Madambakkam (post)

Tambaram Taluk, Chennai 126.



5.D.Rani

W/o. Devaraj, Ganesh Nagar,
3rd Street, Kaspapuram,
Madambakkam (post)
Tambaram Taluk, Chennai 126

6.S.Devaraj

S/o.Somasundaram,
5/339 Ganesh Nagar 6th Street,
Kaspapuram, Madambakkam (post)
Tambaram Taluk Chennai 126

7.M.Ramasamy

S/o. Muthulingam,
5/285 Ganesh Nagar 3rd Street,
Kaspapuram, Madambakkam (post)
Tambaram Taluk, Chennai 126.

8.G.Chidambaram

Ganesh Nagar Main Road,
Kaspapuram, Madambakkam (post)
Tambaram Taluk Chennai 126

9.P.Bagavathi

W/o Parthiban,
5/336 Ganesh Nagar 6th Street ,
Kaspapuram, Madambakkam (post) ... Petitioners
Tambaram Taluk Chennai 126

Vs.

1. State Of Tamil Nadu

Rep. By Secretary To Government,
Hindu Religious And Charitable
Endowment Department, Secretariat,
Fort St George, Chennai 600 009



2.The Commissioner
Hindu Religious And Charitable
Endowment Department,
Nungambakam Chennai 600 034

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

4.The Assistant Commissioner
Hindu Religious And Charitable
Endowment Department, Collectorate
Complex, Chenglapattu 603 001

5.The Executive Officer
Arulmighu Padavettamman And
Kolattiamman Temples, Kaspapuram,
Madambakkam (post) Tambaram Taluk
Chennai 600 126 Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the 4th respondent relating to his 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 petitioners as Permanent tenant of the land of the 5th respondent temple for the lands in their permission and enjoyment measuring about 810 sq.ft each in S.Nos.7/6 and 38/1 and fix reasonable land rent for the said lands.



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For Petitioners: Mr.S.Ayyathurai

For Respondents: Mr.N.R.R.Arun Natarajan,
Special Government Pleader, for
R1 to R5 (HR&CE)

ORDER

This Writ Petition is filed calling for the records on the file of the 4th respondent relating to the proceedings bearing Na.Ka.No.1964/2025-1/E2, dated 14.11.2025 and to quash the same and to consequently direct the respondents to treat the petitioners as permanent tenant of the land of the 5th respondent Temple for the lands in their possession and enjoyment measuring about 810 sq.ft in S.Nos.7/6 and 38/1 and fix reasonable land rent for the said lands.

2. When the matter came up for admission, Mr.S.Ayyathurai, Learned Counsel appearing on behalf of the petitioners point out to the earlier order that was passed by this Court in W.P.No.46187 of 2025 batch, on 25.11.2025 in respect of the very same temple and the adjacent piece and parcels of land whereby, this Court had directed the temple to recognise these occupants as the



tenants by fixing the fair rent and also directed the tenants to unconditionally declare that they will give up their right over the superstructure and recognise the right of the temple and undertake that they will be willing to pay the fair rent. As a matter of fact, it is just and necessary to extract the entire order that is passed by this Court in W.P.No.46187 of 2025 batch, from paragraph Nos.2 to 9 and the same is extracted hereunder:

“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.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 27.01.2025.

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 constructed their respective houses and they



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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 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



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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.”

3. Mr.N.R.R.Arun Natarajan, the Learned Special Government Pleader for respondents 1 to 5 submitted that even prior to the order that is pointed out, by a proceedings dated 27.01.2025, even the Joint Commissioner called upon the petitioner to surrender the superstructure in favour of the Temple and agree to pay the fair rent that will be decided and was willing to regularise the petitioner as a tenant. However, no steps were taken by the petitioners.

4. I have considered the rival submissions that are made and perused the material records of the case.

5. Even going by the above order of this Court as well as the communication from the Joint Commissioner, dated 27.01.2025, it can be seen that there can be a “win-win” solution is possible for both the petitioner as well



as the temple. Therefore, now the petitioner can make a representation and such undertaking as directed by this Court can be given. Accordingly, this writ petition is also disposed of on the same terms as contained in paragraph Nos.7 and 8 of the extracted order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

10-12-2025

Neutral Citation:No
bsm

To,

1.Secretary To Government,
State Of Tamilnadu
Hindu Religious And Charitable Endowment Department,
Secretariat, Fort Street, George, Chennai 600 009

2.The Commissioner
Hindu Religious And Charitable Endowment Department,
Nungambakam,
Chennai 600 034.



3.The Joint Commissioner

Hindu Religious And Charitable Endowment Department,

11/20 A.K. Thangavelar Street,

Kanchipuram 631 501

4.The Assistant Commissioner

Hindu Religious And Charitable

Endowment Department,

Collectorate Complex, Chenglapattu

603 001

5.The Executive Officer

Arulmighu Padavettamman And

Kolatciamman Temples, Kaspapuram,

Madambakkam (post),

Tambaram Taluk Chennai 600 126.

6. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY J.

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