



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 48819 of 2025
and W.M.P.No.54875 & 54876 of 2025**

S.Ramamoorthy (died)

1. Lalitha
2. Nithya
3. Saranya
4. Santhosh

Petitioners

Vs

1. The Commissioner,
HR & CE Department,
Officer of the Commissioner,
No.119, Uthamar Gandhi,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
HR & CE Department,
Combined Joint Commissioner Office,
Nagapattinam, Tamil Nadu – 611 001.

3.The Assistant Commissioner,
HR & CE Department,
Combined Joint Commissioner Office,
Nagapattinam, Tamil Nadu – 611 001.

4.The Executive Officer,
Arulmigu Navaneetha Krishnaswamy
Thirukovil, Nagapattinam.

Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the third respondent



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impugned notice in Na.Ka.No.2917/2025/C1 dated 19.11.2025 and quash the same as illegal.

For Petitioners: Mr.R.Sathiamoorthy
for M/s.SVV Law Firm

For Respondents: Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)

ORDER

The writ petition is filed challenging the impugned order dated 19.11.2025 in Na.Ka.No.2917/2025/C1.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed in support of the writ petition, it can be seen that an order of eviction has been passed against the petitioner in M.P. No.281 of 2021. The petitioner has also filed Revision Petition No.470 of 2025 against the eviction order. In the meanwhile, the present communication that is impugned is only requesting the authorities to take recovery action.

3. Pursuant to the eviction order, the learned counsel for the petitioner submits that the petitioner has also preferred an application for interim stay in the revision petition. Everything now stands posted to 09.02.2026 and without even considering the prayer for interim order, the respondents are now proceeding further. The learned counsel would submit that it is the contention of the petitioner that the petitioner is not an encroacher but a tenant. The petitioner



is only a tenant of the vacant site and the superstructure has been built by her on her own.

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4. Per contra, the learned Special Government Pleader appearing for the respondents would submit that even though the petitioner claims to be a tenant, she has not paid any rent and under the said circumstances, she is not entitled to any interim protection. The eviction proceedings were initiated in the year 2021 and nothing could be done by the temple till date.

5. In reply thereto, the learned counsel appearing for the petitioner submits that the petitioner was paying the original rent of Rs.3,200/- per month until June 2020 and that the petitioner is liable to pay rent from the month of July 2020 up to date. The learned counsel for the petitioner also submits that the petitioner is willing to deposit the said rent with any reasonable revision. When the Court posed a question as to what would be the reasonable revision, the learned counsel for the petitioner submits that the petitioner can at best pay Rs.5,000/- per month.

6. In this regard, it is made clear that the quantum of rent and the arrears of rent are not adjudicated by this Court. In fact, it is not even the submission of the learned Special Government Pleader appearing for the respondent. It is the



assertion of the learned counsel for the petitioner himself. On that basis, I am of the view that when the revision is pending before the first respondent, the revision can be disposed of and since an interim prayer is made therein, there can be an interim order till the disposal of the revision on the condition that the petitioner deposits the arrears of rent as undertaken by the petitioner and continues to pay at the rate of Rs.5,000/- per month till the disposal of the revision petition.

7. It is made once again clear that this quantum of rent or the quantum of arrears will not be binding on the respondents when they proceed further. They are at liberty to determine whether the petitioner is an encroacher or a tenant and if she is a tenant, what was the actual rent, from which date it is payable and what are the arrears etc. In this writ petition, I am concerned only with granting limited relief to the petitioner and I am not determining any of these questions.

8. In view thereof, this writ petition is *disposed of* on the following terms:-

(i) The petitioner shall pay the arrears of rent at the rate of Rs.5,000/- per month from July 2020 up to December 2025 on or before 08.01.2026. Thereafter, the petitioner shall continue to pay the monthly rent at the



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rate of Rs.5,000/- for every succeeding month on or before the 8th day of the succeeding calendar month.

(ii) If the petitioner complies with the above condition, there shall be an interim stay restraining the respondents from taking any coercive steps to dispossess the petitioner until the disposal of the revision.

(iii) The revision shall be disposed of as expeditiously as possible by the first respondent. The liberty, as observed above, is also kept open. The liberty to the authorities to separately determine the questions as discussed above is kept open. If the petitioner fails to deposit the arrears or any rent for the subsequent month, it will be open to the authorities to proceed further with dispossession. It is made clear that no further extension of time will be granted.

(iv) At this juncture, the learned counsel appearing for the petitioner submits that there are two other petitions filed by the petitioner which are also pending. The first petition, as submitted by the learned counsel, is for sale of the property to the petitioner and that prayer cannot be acceded to, as temple property cannot be sold. The second prayer is to recognise and regularise the petitioner as a tenant and that prayer can



be considered by the Commissioner on its own merits and in accordance with law while dealing with the revision petition itself.

(v) No costs. Consequently, connected miscellaneous petitions are closed.

17-12-2025
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Neutral Citation: Yes/No
nsl

To
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