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W.P.No.48836 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.48836 of 2025  
and W.M.P.No. 54532 of 2025

Nagarajan

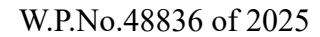
... Petitioner

Vs

1. The Commissioner,  
Hindu Religious and Charitable Endowments Board,  
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Chennai Division II,  
O/o. the learned Joint Commissioner,  
Mylapore, Chennai – 4.
3. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Arulmighu Vadapalani Andavar Temple,  
Vadapalani, Chennai - 600 026.
4. The Executive Officer,  
A/m.Venkeeswarar Alagar Perumal and  
Nagathamman Koil Temple,  
Vadapalani, Chennai - 600 026.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relevant to the impugned notice dated 02.12.2025 passed by the fourth respondent and quash the same is illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby forbearing the respondents from disturbing the petitioner's peaceful possession and enjoyment of the property



Muthamman Koil street, Vadapalani, Chennai - 600 026 to an extent of 76.5 Sq.m.

For R1 to R4 : Mr.K.Karthikeyan  
Government Advocate (HR & CE)

The writ petition is filed challenging the impugned notice dated 02.12.2025 passed by the fourth respondent and to quash the same and consequently to forbear the respondents from disturbing the petitioner's peaceful possession and enjoyment of the property situated at New Survey No.40/2, Block No. 5, Door No.12/1 Ellai Muthamman Koil street, Vadapalani, Chennai - 600 026 to an extent of 76.5 Sq.m.

2. Upon perusing the affidavit filed in support of the writ petition and hearing the learned counsel appearing for the petitioner and perusing the records, the grievance of the petitioner is that the property is *Gramanatham* property and the petitioner has absolute title over the same. Earlier, when a portion of the land was acquired, the matter was pending before the appropriate civil Court to determine the issue whether the petitioner and similarly situated persons occupying the property are the owners or whether it belongs to the temple. Under these circumstances, when earlier notices were



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issued, the petitioner made a due representation bringing to the notice of the respondent authorities that the property does not belong to the temple, without considering the same, the impugned notice has been issued on 02.12.2025 and as such the petitioner is before this Court.

3. Per contra, the learned Government Advocate appearing for the respondents would submit that the impugned order is not a final order and it only issues a notice stating that the tenancy is brought to an end and requesting the petitioner to vacate. Further, the petitioner can appear before the authorities and explain and further action will be taken in accordance under Sections 78 and 79 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959. During the eviction proceedings the petitioner will be given due opportunity and he can file a counter. Even if he disputes the title, the petitioner is entitled to file a civil suit as per Section 79(2) of the Tamilnadu HR & CE Act, 1959.

4. In reply thereof, the learned counsel appearing for the petitioner would submit that the petitioner would indeed prefer a suit before the appropriate civil Court as he wants to assert his title. His only apprehension is that without passing any orders, his possession should not be disturbed.



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5. Even from the impugned order, it is stated that the authorities will be constrained to take action under Sections 78 and 79 of the Tamilnadu HR & CE Act, 1959. Therefore, it goes without saying that the proceedings will be initiated under the Act and the petitioner will be given an opportunity. Only if an eviction order is passed and it becomes final, they will initiate further proceedings. The same is recorded, which will allay the apprehension of the petitioner.

6. In view thereof, keeping open the liberty of the petitioner to contest the eviction proceedings that may be initiated and also to file a suit in the manner known to law, this writ petition stands *disposed of*. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2025

Neutral Citation: Yes/No  
nsl



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**D.BHARATHA CHAKRAVARTHY, J.**

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