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W.P.Nos.49516, 49519 & 49520 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

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

W.P.Nos.49516, 49519 & 49520 of 2025
and W.M.P.Nos.55326, 55334 & 55331 of 2025

V.Kannan ... Petitioner in W.P.No.49516 of 2025

V.Selvamani ... Petitioner in W.P.No.49519 of 2025

V.Gopi ... Petitioner in W.P.No.49520 of 2025

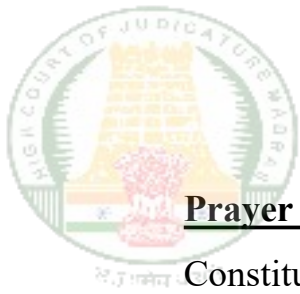
Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam, Chennai – 600 034.

2. The Executive Officer,
Arulmighu Thirukachi Nambigal and
Varadharaja Perumal Kovil Trust,
Poonamallee,
Chennai – 600 056.

... Respondents in all cases

Prayer in W.P.Nos.49516 & 49520 of 2025: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent herein culminating in the impugned letter dated 26.11.2025 and quash the same and consequently direct the second respondent to consider the petitioner's representation dated 05.12.2025 submitted for transferring the lease of the subject property to name of the petitioner in respect of 638 Sq ft. under his occupation.



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Prayer in W.P.No.49519 of 2025: Writ Petition filed under Article 226 of

Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent herein culminating in the impugned letter dated 26.11.2025 and quash the same and consequently direct the second respondent to consider the petitioner's representation dated 05.12.2025 submitted for transferring the lease of the subject property to name of the petitioner in respect of 623 Sq ft. under his occupation.

In all W.Ps.

For Petitioner : Mr.M.Santhanaraman

For R1 & R2 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

These writ petitions are filed to quash the impugned order dated 26.11.2025 and consequently to direct the respondents to consider the petitioner's representation dated 05.12.2025.

2. Upon hearing *Mr.M.Santhanaraman*, the learned counsel appearing for the petitioners and perusing the affidavit filed in support of the writ petitions, the grievance of the petitioners is that originally their father was the tenant under the temple in respect of the entire extent of the property. After his demise, all the brothers have divided the property and have put up their own constructions in their respective portions, leaving a particular extent as a common pathway. They were enjoying the property and were also paying their respective share of rent to the temple. While so, one of the brothers,

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unauthorisedly, while reconstructing his property, encroached into the common pathway and therefore a complaint was sent to the temple and authorities.

Taking advantage of the same, now the temple is requesting all the brothers to vacate the property. Therefore, they are before this Court.

3.Per contra, *Mr.N.R.R.Arun Natarajan*, the learned Special Government Pleader appearing for the first and second respondents would submit that firstly, the impugned order is not an order passed but only a notice asking the petitioners to vacate. The notice itself clearly states that further action will be taken under Sections 78 and 79 of the Tamil Nadu HR & CE Act, 1959. As far as the representation of the petitioners to recognize them as tenants is concerned, the same is separately taken up before the Commissioner and is pending enquiry.

4. I have considered the rival submission made on either side and perused the material records of the case.

5. Firstly, with reference to the prayer of the petitioners to recognise them as tenants, it is seen that as per the rules framed, they have made a representation and the same is now pending enquiry before the Commissioner.



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With reference to the construction made by them and whether any regularization can be made and they can be treated as tenants and the rent can be regularized, it is for the Commissioner to consider the same on merits. It will be open to the petitioners to appear before the Commissioner for the enquiry and the Commissioner shall consider the cases of the petitioners for regularizing their tenancy in accordance with law. As far as the impugned order is concerned, it is only a request by the landlord. That by itself will not give rise to a cause of action for the petitioners to approach this Court. The notice categorically states that further proceedings will be taken under Sections 78 and 79 of the Tamil Nadu HR & CE Act, 1959. If such proceedings are taken, it will be open to the petitioners to defend the same in the manner known to law and all their contentions are kept open to be raised before the authorities.

6. With the aforesaid liberties to the petitioners, firstly to appear before the Commissioner and plead their case for regularization of their tenancy and secondly to contest the eviction proceedings in the manner known to law, these writ petitions are *disposed of*. Consequently, connected miscellaneous petitions are closed. No costs.

18.12.2025

Neutral Citation: Yes/No
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To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Thousand Lights West,
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2. The Executive Officer,
Arulmighu Thirukachi Nambigal and
Varadharaja Perumal Kovil Trust,
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Chennai – 600 056.



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D.BHARATHA CHAKRAVARTHY, J.

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