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W.P.No.49706 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

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

W.P.No.49706 of 2025
and W.M.P.Nos.55562 & 55564 of 2025

V.Manoharan

..Petitioner

Vs

1. The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Vellore – 632 012.
 2. The Assistant Commissioner,
HR & CE Department,
Tiruvallur.
 3. The Executive Officer,
Arulmighu Thirukachi Nambigal and
Varadharaja Perumal Kovil Trust,
Poonamalle,
Chennai – 600 056.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Ceritorarified Mandamus, calling for the records of the first respondent herein culminating in the order dated 29.08.2025 passed in M.P.No.16 of 2023 and quash the same and consequently direct the third respondent to consider the petitioner's representation dated 05.12.2025 submitted for transferring the lease of the subject property to the name of the petitioner.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mr.K.Karthikeyan, Government Advocate



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ORDER

This writ petition is filed challenging the order dated 29.08.2025 made in M.P. No.16 of 2023 to quash the same and consequently direct the third respondent to consider the petitioner's representation dated 05.12.2025.

2. Upon hearing the learned counsel for the petitioner and perusing the affidavit filed in support of the writ petition, the grievance of the petitioner is that the petitioner was a tenant and only because the petitioner opposed the revision of rent, he was treated as an encroacher and an eviction order was passed. However, subsequently, the petitioner has accepted the revised rent and is paying the same. What remains to be paid is the arrears of the differential rent. The petitioner is now ready even to pay the said difference also. Under the said circumstances, the learned counsel prays that the request of the petitioner may be considered.

3. Per contra, the learned Government Advocate appearing for the respondents would submit that the representation dated 05.12.2025 was made only to the Executive Officer. When an Order under Section 78 of the Tamil Nadu HR & CE Act, 1959 has already been passed, the Executive Officer cannot consider the request of the petitioner. If the representation is made to the Commissioner, it is only the Commissioner who has the authority to



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consider the same. In any event, as on date, the order passed in the M.P.No.16 of 2023 has not been challenged by way of revision within the limitation period.

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

5. Because the petitioner has not challenged the order of eviction within the prescribed time, the writ petition cannot be entertained for the very same prayer. However, the submission of the learned counsel for the petitioner is that the entire conflict arose only because the petitioner did not accept the revised rent. Now the petitioner is paying the revised rent and has also submitted that he is willing to pay the arrears. In such an event, after paying the arrears and duly enclosing the receipt, let the petitioner make a representation to the Commissioner within a period of eight weeks from the date of receipt web copy of this order, without waiting for the certified copy of the order. Upon receipt of such representation, the same shall be considered on its own merits by the Commissioner and a final order may be passed one way or the other. If the request of the petitioner is accepted, thereafter the parties shall be governed by the outcome of the order passed by the Commissioner. Until then, since it is submitted that the petitioner is paying the revised rent



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without fail and has also undertaken to pay the arrears, no coercive steps need be taken against the petitioner for dispossessing him.

6. Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

18.12.2025

Neutral Citation: Yes/No
nsl

To

1. The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Vellore – 632 012.
2. The Assistant Commissioner,
HR & CE Department,
Tiruvallur.
3. The Executive Officer,
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D.BHARATHA CHAKRAVARTHY, J.

ns1

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