



W.P.(MD) No.15061 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.15061 of 2025
and
W.M.P.(MD) Nos.11327 to 11329 of 2025**

G.Renuga

... Petitioner

Vs

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
14/1, Thiruvananthapuram Road,
Palayamkottai, Tirunelveli.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.

3. The Executive Officer,
Arulmigu Kailasanathar Swamy Temple,
Kailasapuram, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining the impugned proceeding in M.P. 109/2024/A2 dated 04.10.2024 passed by the



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first respondent and quash the same and consequently, direct the respondents to transfer the leaseholder from late S.Madathiammal to her great granddaughter G.Renuga, who is regularly paying the lease amount to the third respondent in respect of the property in Survey No.17/4 (New No.10/8) with an area of 0.47, Survey No.8/2 (New No.11/3) with an area of 0.08 cents and and total area 0.55 cents at Keelaveeraragavapuram Village, Tirunelveli.

For petitioner : Mr. G.Kasinathadurai

For respondents : Mr.S.S.Madhavan
Additional Government Pleader

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and learned Additional Government Pleader for the respondents.

2. In this writ petition, the petitioner has challenged the impugned notice issued by the first respondent pursuant to the proceedings initiated under Section 78 of the TNHR&CE Act, 1959.

3. It is the specific case of the petitioner that the petitioner has been in



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possession of the subject property through her great grandmother. After her great grandmother, who died in the year 1971, it came to be in possession of her grandmother and thereafter, it is in the possession of the petitioner and that the petitioner has been regularly paying rent.

4. It is further submitted that for the period between 2017 to 2022, a sum of Rs.3,32,281/- has been paid. Despite having received the rent for the subject property, the respondents have initiated proceedings under Section 78 of TNHR & CE Act, 1959.

5. The learned Additional Government Pleader for the respondents, on the other hand, would submit that there are rival claims in respect of the same land and that the petitioner is attempting to scuttle the proceedings initiated under Section 78 of the TN HR and CE Act, 1959.

6. It is submitted that only proposal has been made for the petitioner to reply to the same and to substantiate her right over the property as a successor.



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7. Having considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents, I am of the view that the Writ Petition is liable to be dismissed.

8. It is for the petitioner to reply the notice and participate in the proceeding before the first respondent under Section 78 of the TNHR & CE Act, 1959. The proceeding cannot be scuttled by filing the present Writ Petition. Therefore, the Writ partition has to be dismissed with a liberty to the petitioner to defend herself in the proceeding before the first respondent by filing suitable reply.

9. The petitioner shall file reply within a period of 15 days from the date of receipt of a copy of this order. Thereafter, the first respondent shall pass appropriate orders.

10. Needless to state, the petitioner's representation shall be considered and appropriate orders shall be passed on merits and in accordance with the law.

11. This Writ Petition is dismissed, with above liberty. No costs.



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Consequently, connected miscellaneous petitions are closed.

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Internet : Yes / No

apd

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C.SARAVANAN, J.

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