



W.P.(MD)No.14703 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.14703 of 2025

and

W.M.P.(MD)Nos.10942, 10944 and 10948 of 2025

S.Iyemperumal

... Petitioner

-VS-

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Palayamkottai, Tirunelveli - 627 002.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.
- 4.The Executive Officer,
Arulmigu Soundara Pandeewarar Temple,
Melakaruvelankulam, Nanguneri Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned



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proceeding in M.P.No.121 of 2023 dated 12.05.2025 of the second respondent and quash the same.

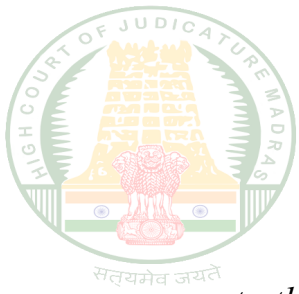
For Petitioner : Mr.J.Anandkumar
For R1 to R3 : Mr.SS.Madhavan
Additional Government Pleader
For R4 : Mr.VR.Shanmuganathan
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the impugned proceeding of the second respondent in M.P.No.121 of 2023, dated 12.05.2025.

2. This is the fourth round of litigation before this Court. The petitioner claims to be a lessee/tenant of the fourth respondent temple since 1987. The petitioner had earlier challenged demand notices dated 04.02.2020 and 26.04.2021, through which rent was demanded for the past period. This was challenged in W.P.(MD) No.2870 of 2022, which was disposed of on 14.02.2022 with the following directions:-

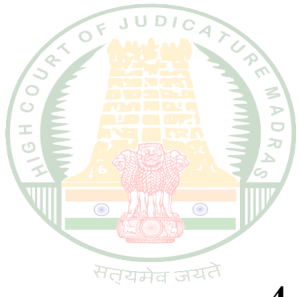
"8. Considering the above, the impugned order directing the petitioner to vacate the premises is quashed and the case is remitted back



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to the third respondent to exercise the jurisdiction under Section 34-A (2) of the HR&CE Act and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. It is needless to state before passing any such order, the petitioner also be heard. The Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed."

3. The above order was passed by this Court following the decision of the Division Bench in **Angala Parameswari and Kasivishwanathaswami Temple, Adimanaiveal House Owners Association vs. The Secretary, Hindu Religious and Charitable Endowment Department and others**, reported in **2009 (3) L.W. 728**. Pursuant to that order, the petitioner was served with a notice dated 29.11.2022, calling upon him to respond to the fair rent calculation. The petitioner responded on 07.12.2022. However, the petitioner's representation dated 07.12.2022, addressed to the fourth respondent, has not been disposed of. Instead, the Assistant Commissioner, H.R. & C.E., along with the fourth respondent, initiated proceedings against the petitioner in M.P. No.121 of 2023, under Section 78(1)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as "the H.R. & C.E. Act"), treating the petitioner as an encroacher of the property.



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4. In this background, the petitioner approached this Court in W.P.(MD) No.24903 of 2024 for fixation of fair rent. The petitioner agreed to pay fair rent at the rate of Rs.16,500/- per month from 29.11.2022 onwards. Recording the same, the Writ Petition was closed on 22.10.2024.

5. Subsequently, another writ petition was filed by the petitioner in W.P. (MD) No.249 of 2025. In that petition, the petitioner sought a direction to forbear respondents 2 and 4 from installing a temporary iron gate compound wall pursuant to the Executive Officer's (fourth respondent's) resolution dated 30.12.2013 and further sought a direction to issue a No Objection Certificate to obtain electricity service connection in the name of the Temple. The said Writ Petition was disposed of on 07.01.2025, directing the second respondent to consider the Section 78 proceedings, which were pending.

6. The petitioner now confronts a fresh demand for a sum of Rs.16,74,000/-, after deducting Rs.3,79,500/- already paid on 21.11.2024. The demand of Rs.16,74,000/- pertains to the period from 01.07.2016 to 30.09.2024, as detailed below:



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Period	Rent [per month]	Total
01.07.2016 – 30.06.2017	15000	180000
01.07.2017 – 30.06.2018	15000	180000
01.07.2018 – 30.06.2019	15000	180000
01.07.2019 – 30.06.2020	18000	216000
01.07.2020 – 30.06.2021	18000	216000
01.07.2021 – 30.06.2022	18000	216000
01.07.2022 – 30.06.2023	18000	216000
01.07.2023 – 30.06.2024	18000	216000
01.07.2024 – 30.09.2024	18000	54000
Total Amount		1674000

7. It is the petitioner's case that the impugned order is *per se* illegal and without jurisdiction, as the process mandated by the Division Bench of this Court in **Angala Parameswari's case** [cited supra] has not culminated in a final fair rent determination.

8. The Writ Petition is opposed by the respondents on the ground that the petitioner has an alternate remedy under Section 21 of the H.R. & C.E. Act before the Commissioner and therefore, the writ petition deserves to be dismissed.



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9. It is further submitted that the petitioner is in arrears of a substantial amount towards fair rent, causing financial hardship to the temple, whose primary income is derived from leased lands. It is also submitted that the petitioner has neither paid the demanded fair rent nor complied with the procedures outlined by the Division Bench of this Court in the **Angala Parameswari's case** [cited supra].

10. The learned counsel for the fourth respondent Temple further submits that in the representation dated 07.12.2022, the petitioner stated his willingness to pay arrears at Rs.14,400/-, but has not paid that amount till date. Although the petitioner agreed to pay Rs.16,500/- per month from 29.11.2022, as recorded in the order dated 22.10.2024 in W.P.(MD)No.24903 of 2024, he has not complied with the same.

11. Having considered the submissions of the learned counsel for the petitioner, the learned counsel for the fourth respondent Temple and the learned Special Government Pleader for the H.R. & C.E. Department, this Court is inclined to pass the following order:-



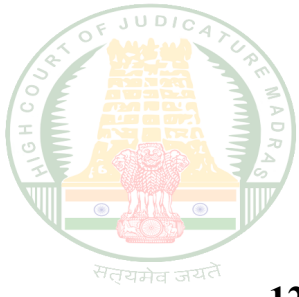
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(i) The petitioner shall pay the admitted arrears of Rs.14,400/- per month, as undertaken in the representation dated 07.12.2022, for the period prior to 29.11.2022. The amount shall be calculated and paid to the fourth respondent Temple within four weeks from today.

(ii) Since the exercise mandated by the order dated 14.02.2022 [in terms of the decision of the Division Bench of this Court in **Angala Parameswari's case** [cited supra]] has not yet concluded, fair rent shall be determined under Section 34-A of the H.R. & C.E. Act, in line with the said Division Bench judgment. This process shall be completed as expeditiously as possible, preferably within a period six weeks from the date of receipt of a copy of this order. It is made clear that the petitioner shall pay the fair rent once it is approved by the Committee constituted in terms of the decision of the Division Bench of this Court in **Angala Parameswari's case** [cited supra]. In the event of default, the respondents are at liberty to proceed in accordance with the impugned order.



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12. The Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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To:-

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Chennai - 34.
- 2.The Joint Commissioner,
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C.SARAVANAN, J.

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