



W.P.(MD) No. 18083 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 18083 of 2025

N.Kanagaraj

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam
High Road,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur.

4. The Executive Officer,
Sri Balsubramaniya Temple,
Kathapparai Village,
Vennamalai Post,
Karur Taluk,
Karur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to de-seal the premises of shops situated at Survey No. 239/3A at Kathaparai Village, Vennamalai, Karur Taluk, Karur District by considering representation, dated 14.06.2025.

For petitioner : Mr. D. Selvanayagam

For respondents : Mr.S.S.Madhavan

Additional Government Pleader for R1 to R3

Mr.P.Athimoola Pandian for R4

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 3 and learned counsel for the fourth respondent.

2. The petitioner has approached the Principal Sub Court, Karur in O.S.No. 180 of 2025 exercising the rights, pursuant to the order passed by this Court in W.P.(MD) No.390 of 2025, dated 22.01.2025.

3. Already an attempt of the petitioner for selling the property under



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Section 64 of TNHR&CE Act, 1959, was rejected by the first respondent/Commissioner by an order, dated 31.05.2021. Some of the persons unsuccessfully challenged the order under Section 114 of the TN HR & CE Act, 1959, before the Principal Secretary to Government, which came to be rejected on 04.12.2024. The fact of the matter is that the shops were sealed on 28.12.2024. That apart, several eviction notices were issued to the petitioner and others under Section 78 of TNHR&CE Act, 1959, which is culminated in order, dated 22.01.2025. Further, the petitioner has filed the Writ Petition in W.P.(MD) No.390 of 2025, which was ordered on 22.01.2025, in which the order passed under Section 78 of TNHR&CE Act, 1959, thus, stands confirmed.

4. Against the same, a revision was filed under Section 25 of TNHR&CE Act, 1959, before the Commissioner, which was also rejected on 19.12.2024. No further steps have been taken by the petitioner and the petitioner is pursuing the remedy under O.S.No.180 of 2025, pursuant to the order, dated 22.01.2025 in W.P.(MD) No.390 of 2025, which came to be disposed of along with other Writ Petitions.



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5. The learned counsel for the petitioner submits that the petitioner had built three shops, which were used for renting out to the third parties for ATM Centre, Electrical Shop and Garments Shop (Textile Shop).

6. It is submitted that the petitioner is willing to deposit the rent as is ordered by this Court in W.P.(MD)Nos.15247 and 15248 of 2025 on 05.06.2025, where the petitioners therein were directed to deposit Rs.10,000/-. The details of the dimension of the shops are not readily available. Therefore, such orders cannot be passed straight away as temporary relief to the petitioner pending disposal of O.S.No.180 of 2025.

7. Considering the fact that the petitioner has no *locus standi*, to balance the interest of the petitioner and the fourth respondent/temple, *via media* order is passed by directing the fourth respondent to fix the amount to be deposited by the petitioner and rent to be paid by the petitioner as interim measure within a period of fifteen (15) days from the date of receipt of a copy of this order.

8. Liberty is also given to the fourth respondent to auction the rights at an opportune time, in which case the petitioner is given liberty to participate and



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bound to vacate the premises, in case the petitioner is not a successful bidder.

Pending such exercise, the petitioner will deposit the amount to be fixed by the respondents.

9. It is made clear that the petitioner will not approach any other higher forum including this Court for any other relief for diluting this order. It is only concession to the petitioner in the light of orders passed in W.P.(MD)Nos.15247 & 15248 of 2025 on 05.06.2025.

10. All further rights of the petitioner over the shops, which was put under lock and seal on 28.4.2025, will be subject to the final outcome of O.S.No.180 of 2025 pending before the Principal Sub Court, Karur

11. The petitioner will start to pay rent on the 5th of every month for the successive months. The petitioner shall also pay the amount for the use and occupation of the property before the date of lock and seal.

12. This Writ Petition is disposed of, with the above observations. No costs.



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Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

apd

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