



W.P.(MD)No.18151 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.07.2025

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE S.SRIMATHY

W.P(MD).No.18151 of 2025

and

W.M.P(MD).No.13894 of 2025

Hotel “Divine Fort”,
Represented by its Partner,
N.Selvakumar,
East Giri Veethi,
Near Rope Car Station,
Palani,
Dindigul District.

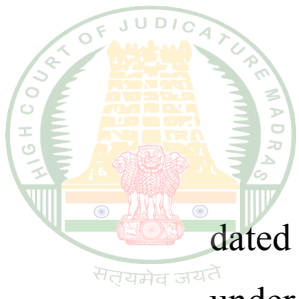
... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Nungambakkam High Road,
Chennai – 600 034.
2. The Joint Commissioner/The Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukovil Devasthanam,
Palani,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the order passed by the 2nd respondent vide Na.ka.No.3083/2024/C1



W.P.(MD)No.18151 of 2025

dated 16.06.2025 and to direct the respondents to follow the procedures under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 towards fixation of the fair rents for the extent of 900 Sq.feet in survey no.819/1A1 (Tracking Rent) for the petitioner's Hotel at Palani.

For Petitioner	: Mr.S.Nirmal Aditya
For R1	: Mr.P.Subbaraj Special Government Pleader
For R2	: Mr.A.Murali

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The relief sought for in the present writ petition is to call for the records and quash the order passed by the 2nd respondent vide Na.ka.No. 3083/2024/C1 dated 16.06.2025 and to direct the respondents to follow the procedures under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 towards fixation of the fair rents for the extent of 900 Sq.feet in survey no.819/1A1 (Tracking Rent) for the petitioner's Hotel at Palani.



W.P.(MD)No.18151 of 2025

WEB COPY 2. The Impugned Order dated 16.06.2025 has been issued by the 2nd respondent viz., Joint Commissioner/Executive Officer in pursuance of the order of the Hon'ble Division Bench of this Court dated 04.04.2025 in W.P(MD)No.9202 of 2025. The said writ petition also has been filed by the writ petitioner herein.

3. The prayer sought for in the above said writ petition is to direct the temple authorities to grant a pathway from the Devasthanam parking through the Girivala Veethi at Palani towards the ingress and egress and to provide free access to the petitioner's employees, amenities providers and the customers of the Hotel Divine Fort situated in their patta land using their vehicles. Therefore, it is the petitioner who filed a writ petition seeking a direction to provide pathway in the temple property's. He seeks permission from the temple to use the temple property's as a pathway and for the usage of the employees of the petitioner's hotel. This Court considered the said writ petition filed by the petitioner herein and passed the order as follows:-



W.P.(MD)No.18151 of 2025

WEB COPY

“5. Taking note of the administrative delay that may be occasioned in the process, we direct the fifth respondent/temple to grant temporary permission to the petitioner to use the petition mentioned 900 square feet of land. Such permission can be granted on appropriate terms and conditions forthwith. This would of-course be subject to the final order that may be passed by the Government. The petitioner is also permitted to carry out facilitation measures in co-ordination with the temple authorities for effective use of the parking space.”

4. In view of the said order of this Court, the Impugned Order dated 16.06.2025 has been passed by the 2nd respondent viz., Joint Commissioner/Executive Officer fixing a provisional rent subject to fixation of fair rent under Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The order impugned unambiguously states that the fixation of rent is temporary and fair rent will be fixed by following the procedures as contemplated under Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The temporary rent has been fixed considering the market rent prevailing in the locality by the Executive Officer/Joint Commissioner. Therefore, the petitioner shall pay the temporary rent subject to fixation of final fair rent to be fixed by following the procedures under Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. In the event



W.P.(MD)No.18151 of 2025

of fixing the fair rent under Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, lower than the temporary rent then the difference amount cannot be adjusted towards future rent or otherwise.

5. Contrarily, entertaining the writ petition against the order fixing temporary rent became unnecessary and keeping this kind of litigation would cause prejudice to either of the parties and more specifically relating miscarriage of justice as far as temple property's and income is concerned. Therefore, the petitioner is directed to pay the temporary rent as per the Impugned Order dated 04.04.2025 subject to fixation of final rent to be fixed by following the procedures under Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The respondents are directed to fix fair rent under Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 by following the procedures within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioner is also directed to submit his explanations/documents, if any at the time of fixation of final rent by the competent authorities under the said Act.



W.P.(MD)No.18151 of 2025

WEB COPY 6. With these clarifications, the writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.)

(S.S.Y., J.)

04.07.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



W.P.(MD)No.18151 of 2025

WEB COPY To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Nungambakkam High Road,
Chennai – 600 034.
2. The Joint Commissioner/The Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukovil Devasthanam,
Palani,
Dindigul District.



WEB COPY



W.P.(MD)No.18151 of 2025

S.M.SUBRAMANIAM, J.

and

S.SRIMATHY, J.

rgm

W.P(MD).No.18151 of 2025

and

W.M.P(MD).No.13894 of 2025

04.07.2025