



W.P(MD)No.30030 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30030 of 2025

&

W.M.P.(MD)No.23218 of 2025

M.S.Pandi

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE Department,
Tirunelveli.

2.The Assistant Commissioner,
HR & CE Department,
Tirunelveli.

3.The Executive Officer,
Arulmigu Palaiyansalaikumaraswamy Temple,
Sindhupoonthurai,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in I.A.No.1 of 2025 in M.P.No.156 of 2023, dated 12.05.2025 on the file of the first respondent and quash the same as illegal.



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For Petitioner : Mr.S.Kumar

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard both sides.

2. The writ petitioner had cleared all the rental arrears. One similarly placed individual filed W.P.(MD)No.29897 of 205. The said writ petition was disposed of in the following terms:-

“2. The writ petitioner is in occupation of the petition-mentioned shop belonging to the third respondent temple. The shop was actually leased out in favour of Pauldurai Raj. Pauldurai Raj is no more. The petitioner is in arrears. Hence, the proceedings were issued under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in M.P.No.155 of 2023 on the file of the Joint Commissioner, HR&CE Department, Tirunelveli. Vide order dated 12.05.2025, the writ petitioner was ordered to be evicted. Seeking to set aside the said order, Anathamani filed I.A.No.1 of 2025. The said I.A. was also dismissed on 25.06.2025. Challenging the same, this writ petition has been filed.

3. Even though the challenge is only to the order dated 25.06.2025, in the interest of justice I propose to mould the relief.



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4. I made it clear that I will not grant relief to the petitioner unless the arrears are settled in full. To enable the petitioner to do so, since the third respondent submitted that pursuant to the direction given by the Joint Commissioner, the petitioner is proposed to be evicted on 29.10.2025, I therefore listed the matter on 28.10.2025. I made it clear that unless the entire arrears are cleared, the eviction process will go on.

5. When the matter was taken up today, the third respondent submitted that the petitioner has handed over the Demand Draft for a sum of Rs. 3,75,865/- favouring the third respondent temple. Since the entire arrears have been wiped off and that pursuant to the indication given by this Court, I quash the order dated 25.06.2025 passed by the Joint Commissioner, HR&CE Department, Tirunelveli in M.P.No.155 of 2023.

6. At the same time, the petitioner is permitted to submit a fresh application to the third respondent for recognising him as a tenant under the temple. Fair rent as per Section 34-A of the Act shall be fixed for the petition-mentioned premises. Till then the petitioner will continue to pay the current rent. Once the fair rent is fixed, the petitioner has to pay the same subject to his right to challenge the same. So long as the petitioner does not commit default, he can continue to be in occupation. If for three successive months, default is committed, the eviction order that has now been quashed by me will spring back to life and it can be enforced. In other words, there is no need for the Assistant Commissioner, HR&CE, Tirunelveli to file any fresh petition for eviction. This writ petition stands allowed on these terms.”



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3. This writ petition is also disposed of on the same lines. No costs.

Consequently, connected miscellaneous petition is closed.

12.11.2025

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Joint Commissioner,
HR & CE Department,
Tirunelveli.
- 2.The Assistant Commissioner,
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Tirunelveli.
- 3.The Executive Officer,
Arulmigu Palaiyansalaikumaraswamy Temple,
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G.R.SWAMINATHAN, J.

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