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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.33040 of 2025 AND
W.M.P.(MD)Nos.26031 & 26032 of 2025

J.Sankeshwaran ... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai – 34.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
O/o.the Joint Commissioner,
Tiruppathur Road,
Sivagangai -630 561.

3. The Hereditary Trustee,
Arulmigu Muthumariamman Temple,
Thayamangalam Village,
Ilayankudi Taluk,
Sivagangai District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records pertaining to the impugned proceedings dated 07.11.2025 on the file of the third respondent and quash the same as illegal and further directing the respondents to extend the lease period in favour of the petitioner from 01.01.2026 to 30.04.2026 in respect of

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the land in S.No.72 situated in Thayamangalam Village, Ilayankudi Taluk, Sivagangai District belonging to the third respondent temple by considering the representation given by the petitioner dated 04.11.2025.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.P.Subbaraj,
Special Government Pleader
for R-1& R-2.

Mr.T.S.Mohamed Mohideen for R-3.

* * *

ORDER

Heard both sides.

2. The writ petitioner challenges the impugned tender notification issued by the third respondent calling for tenders to get the right to collect user fee from the occupants of the petition-mentioned lands.

3. The petitioner's father was granted such license with effect from 01.01.2025 to 31.12.2025. The petitioner's father had

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paid a sum of Rs.1,46,46,446/-. The petitioner claims that even though the license was issued for collecting the user fee for the year 2025, the land was actually handed over only in March 2025. The petitioner draws my attention to the relevant proceedings issued by the Commissioner, HR&CE in this regard. The learned Standing counsel appearing for the third respondent states that since the petitioner's father was a lessee during the earlier years, even though the proceedings were formally issued only in March 2025, he actually collected the user fee from 01.01.2025 onwards. But it is fairly conceded that following the demise of Jeyaraman on 25.06.2025, no person was allowed to collect any user fee.

4. Whether Jeyaraman had collected user fee during the months of January 2025 to March 2025 is another dispute in the writ proceedings. Such issue cannot be adjudicated.

5. I make it clear that I will have to proceed on the premise that Jeyaraman had collected user fee from 01.01.2025 till his demise.

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6. In view of the stand taken by the third respondent temple, there are only two courses of action open to them; either they must make pro-rata refund to the writ petitioner or grant license in favour of the petitioner for the unexpired period.

7. The unexpired period comes to six months and five days. Liberty is granted to the third respondent to adopt either one of the courses of action. If the pro-rate refund is made, the impugned tender process can go on. If the third respondent chooses to grant license in favour of the petitioner for the unexpired balance period, the tender process has to be scrapped. As per the undertaking given by the petitioner, he will bear the expenses incurred by the third respondent in this regard. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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