



WEB COPY

WP No. 3275 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 3275 of 2026

T.Jegadeesan

..Petitioner

Vs

1. The Executive Officer,
Arulmigu Agatheeswara Swamy Thirukkoil,
Villivakkam,
Chennai- 600 049.
2. The Assistant Commissioner,
Department of Hindu Religious and
Charitable Endowments,
Chennai - 600 050.
3. The Joint Commissioner,
Department of Hindu Religious and
Charitable Endowments,
Chennai- 600 050.
4. The State of Tamil Nadu
Represented by the Secretary,
Hindu Religious and Charitable
Endowments Department,
Fort St. George, Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Chennai to remove the Seal on the premises bearing Old No.179, New No. 304, Madras Tiruvallur Highway Road, comprised in Survey No.21/3, Villivakkam Village, Chennai - 600 049, and restore the possession of the same to the petitioner.



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For Petitioner:

Mr.K.Viswanath

For Respondents:

Mr.K.Karthikeyan,
Government Advocate for R1 to R4

ORDER

The prayer in the writ petition is to remove the seal on the premises bearing Old No.179, New No. 304, Madras Tiruvallur Highway Road, comprised in Survey No.21/3, Villivakkam Village, Chennai - 600 049 and to restore possession to the petitioner.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that the petitioner's mother purchased the leasehold rights by way of a registered sale deed and thereafter put up a superstructure and has been in possession and enjoyment of the same. Earlier, the petitioner received a notice for payment of arrears of rent being a sum of Rs.13,06,726/-. In the meanwhile, in the year 2023, in the absence of the petitioner, the premises was sealed. No notice was served on the petitioner with reference to the eviction proceedings. Therefore, the petitioner has come up with the present prayer to open the lock and seal of the building.

3. When the matter came up for admission, the learned Government Advocate appearing for the respondents 1 to 4 would submit that admittedly the petitioner was a tenant. After the petitioner's mother became a tenant, a total



sum of Rs.346/- alone was paid as rent and they were in arrears for decades together and the total due as on date is Rs.17,35,344/-. Therefore, the eviction proceedings were initiated and an order of eviction was passed on 21.07.2018 itself and possession was taken on 01.02.2023. Thereafter, the auction was also conducted in respect of the said property for leasing it out and the lease has been granted to one *Venkata Rama Subbu*, who was the highest bidder and the said third party is now in possession of the property. therefore the prayer of the petitioner cannot be granted now.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. For the mere act of the petitioner not mentioning about the monthly rent, when he paid the rent and when he wishes to pay the arrears, this writ petition cannot be entertained, as the Court is also the *parens patriae* of the temple property. Even otherwise, due orders of eviction have been passed and possession has been taken. Therefore, the prayer of the petitioner cannot be granted now.

6. At this juncture, the learned counsel for the petitioner submits that at least now the copy of the order of eviction can be supplied to the petitioner and the petitioner will contest the same in the manner known to law. It is the case of



the respondents that the eviction order was also sent to him. In any event, one more copy of the said order can be furnished to the learned counsel for the petitioner. He also submits that the petitioner's things have not been taken out from the schedule premises.

7. The learned Government Advocate appearing for the respondents 1 to 4 would submit that no other things were found inside and that the property itself was found in a dilapidated condition.

8. Thus, the writ petition stands disposed of. No costs.

06-02-2026

Neutral Citation: Yes/No

NSL



1. The Executive Officer,
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Chennai- 600 049.

3. The Joint Commissioner,
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D.BHARATHA CHAKRAVARTHY, J.

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