



WEB COPY



C.R.P.No.594 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

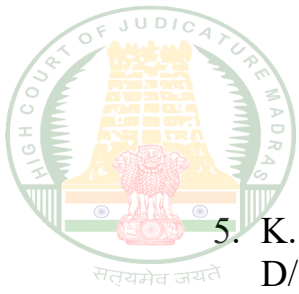
RESERVED ON : 26.02.2026
PRONOUNCED ON : 09.06.2026

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

C.R.P. No. 594 of 2024
and
C.M.P. Nos. 2937 & 15638 of 2024

1. K.B. Rajendran
S/o. Late K. Balasubramaniam Chetty, Res. at
Old No.25-A, New No.32, Dr. Ambedkar First
Street, Villivakkam, Chennai -049. Having shop
at. Very Old No.2/66, Old No.36, New No.142,
Rasappachetty St, Park-town, Chennai - 600003.
2. K. Pushpalatha
D/o. Late K. Balasubramaniam Chetty, Res. at
Old No.25-A, New No.32, Dr. Ambedkar First
Street, Villivakkam, Chennai -049. Having shop
at. Very Old No.2/66, Old No.36, New No.142,
Rasappachetty St, Park-town, Chennai - 600003.
3. K. Dhanalakshmi
D/o. Late K. Balasubramaniam Chetty, Res. at
Old No.25-A, New No.32, Dr. Ambedkar First
Street, Villivakkam, Chennai -049. Having shop
at. Very Old No.2/66, Old No.36, New No.142,
Rasappachetty St, Park-town, Chennai - 600003.
4. K. Vasantha
D/o. Late K. Balasubramaniam Chetty, Res. at
Old No.25-A, New No.32, Dr. Ambedkar First
Street, Villivakkam, Chennai -049. Having shop
at. Very Old No.2/66, Old No.36, New No.142,
Rasappachetty St, Park-town, Chennai - 600003.



C.R.P.No.594 of 2024

5. K. Devi

D/o. Late K. Balasubramaniam Chetty,
Res. at Old No.25-A, New No.32, Dr. Ambedkar
First Street, Villivakkam, Chennai -049. Having
shop at. Very Old No.2/66, Old No.36, New
No.142, Rasappachetty St, Park-town, Chennai -
600003.

..Petitioner(s)

Vs.

M.E. Devarajan (deceased)

1. M.D. Kasthuri

W/o. M.E. Devarajan, Res. at Old No.39, Dewan
Rama Iyengar Road, Purasaiwakkam, Chennai -
600 084.

2.M.D.G. Raj Kumar

S/o. M.E. Devarajan, Res. at Old No.39, Dewan
Rama Iyengar Road, Purasaiwakkam, Chennai -
600 084.

3.M.D. Balaji

S/o. M.E. Devarajan, Res. at Old No.39, Dewan
Rama Iyengar Road, Purasaiwakkam, Chennai -
600 084.

4.Arulmighu Dharmaraja Temple

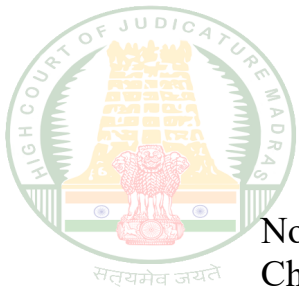
Guzilli Bazar Road, Chennai – 003.

Rep. by the Commissioner,
Hindu Religious and Charitable Endowment
Dept., N.H. Road, Chennai - 600 034.

5.The Commissioner

Hindu Religious and Charitable Endowment
Department, N.H Road, Chennai -034.

6.The Deputy Commissioner (now The Joint
Commissioner)



C.R.P.No.594 of 2024

Now the Office at. Hindu Religious and
Charitable Endowment Department, Chennai
Mandal no.I, 127, Yadaval St, Padi, Chennai -
050.

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..Respondent(s)

PRAYER: Civil Revision Petition filed against the fair and decreetal order dated 10.01.2024 passed in RCA No.364 of 2007 on the file of VIIth Small Causes Court, Chennai confirming the Fair and Decreetal Order dated 27.04.2007 passed in RCOP No.1275 of 2006 on the file of XVIth Small Causes Court, Chennai and thus render justice.

For Petitioner(s):

MR.K.B. RAJENDRAN
(Party in Person)

For Respondent(s):

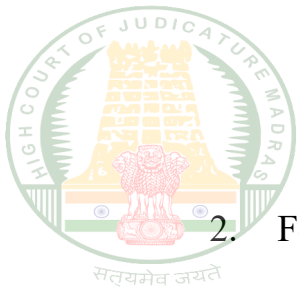
Mr.V.Deenadayalan
for R1 To R3

Mr.K.Karthikeyan
Government Advocate for R4 to R6

J U D G M E N T

This Civil Revision Petition is directed against the fair and decretal order dated 10.01.2024 passed in R.C.A. No.364 of 2007 by the learned Rent Control Appellate Authority, VII Judge, Court of Small Causes, Chennai, confirming the order of eviction dated 27.04.2007 passed in R.C.O.P. No.1275 of 2006 by the learned Rent Controller, XVI Judge, Court of Small Causes, Chennai.

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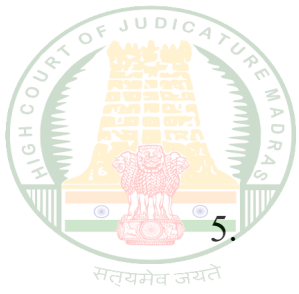


C.R.P.No.594 of 2024

2. For convenience, the parties are referred to as they were arrayed in the original petition.

3. The petitioner/landlord filed the eviction petition against the respondents on the grounds of denial of title and requirement of the premises for demolition and reconstruction under Sections 10(2)(vii) and 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

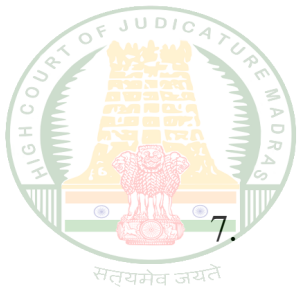
4. The case of the petitioner is that he purchased the petition schedule property, along with other properties, pursuant to the orders of the Hon'ble High Court of Madras in Application No.3155 of 1973 in C.S. No.140 of 1936 dated 20.12.1973. In pursuance of the said orders, release deeds dated 07.01.1974 were executed relinquishing the rights of the parties in favour of the petitioner, and possession was delivered to him by the Court-appointed Receiver.



C.R.P.No.594 of 2024

5. The respondents' father was a tenant in respect of the petition premises and was carrying on business under the name and style of "M/s.K. Chandrasekaran". After the purchase, the respondent tenant has attorned the tenancy in favour of the petitioner landlord and paid the rent, which was periodically enhanced from Rs.25/- to Rs.1,500/-. On receipt of the notice dated 27.03.2006 demanding enhanced rent, the respondents, by reply notice dated 04.04.2006, denied the petitioner's title. The petitioner further contended that the building is in a dilapidated condition and requires demolition and reconstruction. Hence, the eviction petition.

6. The respondents resisted the petition contending that the property does not absolutely belong to the petitioner, but belongs to Dharmaraja Temple, and that the petitioner was acting only as its Dharmakarthā. They further contended that the premises were used for charitable purposes; that their father became a tenant in the year 1958; and that, after him, the respondents continued as tenants. According to them, the provisions of the Rent Control Act are not applicable, and the petition is liable to be dismissed.



C.R.P.No.594 of 2024

7.

On appreciation of the oral and documentary evidence, the

authorities below concurrently held that (i) the respondents' denial of title was not bona fide; (ii) the property is not a public religious or charitable trust property; (iii) the provisions of the Rent Control Act are applicable. Accordingly, an order of eviction was passed.

8. In this revision, the revision petitioner appeared in person and reiterated the very same contentions raised before the authorities below. The Civil Revision Petitioners/respondents submit that the eviction order on the ground of denial of title is unsustainable. The petition premises forms part of the properties of Arulmighu Dharmaraja Temple, Guzilli Bazaar Road, Chennai-3, and Devarajan was only given the enjoyment of the office of Dharmakartha/Archagar for performing religious and charitable duties and maintaining the temple properties. The temple and its properties were never sold or conveyed to Devarajan, and enjoyment of office cannot confer ownership or landlordship. Therefore, the petitioners have not denied the title of the temple; they have only denied the personal claim of Devarajan and his legal heirs as private landlords.



C.R.P.No.594 of 2024

9. It is further submitted that Devarajan and his predecessors have not produced any valid title deed. The Will/probate, patta mutation and settlement deed cannot convert temple/endowment property into private property. The petitioners also rely upon the earlier proceedings, revenue records and public records to show that the property belongs to the temple, and contend that both the petitioners and the respondents' predecessors were only tenants under the temple. After Devarajan's death on 01.09.2008, no competent successor was appointed to the office of Dharmakarthā/Archagar, and hence his legal heirs cannot maintain eviction proceedings as private landlords.

10. It is further submitted that the Rent Controller and Appellate Authority erred in applying Section 116 of the Indian Evidence Act without considering Sections 56 and 58, the temple/endowment character of the property, the disputed O.A. No.68 of 1976 proceedings, and the pending/fresh HR & CE enquiry. Hence, the impugned orders are liable to be set aside, or the matter may be remitted for fresh consideration after determining the true character of the property and after hearing the proper temple/HR & CE authorities.



C.R.P.No.594 of 2024

11. The learned counsel for Respondents 1 to 3/petitioners submitted that the petition temple is a private temple and not a public temple, and that the said status was already declared and confirmed by this Court in C.S. No.140 of 1936. It is further submitted that, pursuant to the order dated 20.12.1973 in C.S. No.140 of 1936 and Application No.3155 of 1973, the temple properties were entrusted to the respondents' family for protection, maintenance and safeguarding, and they have been maintaining the same in accordance with the said order.

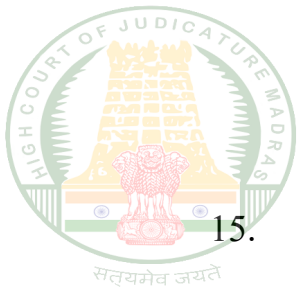
12. It is submitted that the revision petitioners and their father had complied with the said arrangement till 2006, but when the rent was reasonably enhanced, the revision petitioners started raising false and repeated allegations to avoid eviction. The learned Rent Controller allowed R.C.O.P. No.1275 of 2006 and ordered eviction, and the Appellate Authority, after prolonged proceedings, confirmed the same in R.C.A. No.364 of 2007. Therefore, the present Civil Revision Petition and connected miscellaneous petition are only an abuse of process, based on repeated and frivolous allegations, and are liable to be dismissed with exemplary costs.



C.R.P.No.594 of 2024

13. The learned counsel for Respondents 5 and 6 HR & CE department submitted that Arulmighu Dharmaraja Temple, Guzilli Bazaar Road, Chennai-3, is the absolute owner of the subject property, and that the petitioners are tenants in respect of the shop portion bearing Old No.36, New No.142, Rasappa Chetty Street, Chennai-3. It is submitted that M.E. Devarajan filed R.C.O.P. No.1275 of 2006 seeking eviction on the grounds of denial of title and demolition and reconstruction, and the order of eviction passed by the learned Rent Controller was confirmed in R.C.A. No.364 of 2007.

14. It is further submitted that M.E. Devarajan had earlier filed O.A. No.68 of 1976 before the Deputy Commissioner, HR & CE, Chennai, under Section 63(a) of the HR & CE Act, seeking a declaration that the temple is a private temple, and an order was passed on 24.05.1979. However, the HR & CE Department submits that the subject property belongs to the temple, and that the revenue records/TSLR extract show that the mutation of temple property in favour of individuals is wrong and illegal, particularly in view of Section 34 of the HR & CE Act.



C.R.P.No.594 of 2024

15. It is also submitted that, pursuant to the instructions of the Joint Commissioner, HR & CE Department, a physical inspection was conducted on 10.06.2025, which revealed the existence of several deities and idols in the temple, but the general public are not being permitted to enter and worship, and the access lane has been blocked by an iron gate. The temple property cannot be treated as a private holding, since temple lands vest in the deity and the deity is to be treated as a minor whose interest must be protected by the Court.

16. The learned counsel further submitted that the issue relating to the status and administration of the temple is pending enquiry before the Joint Commissioner, HR & CE Department, and further action will be taken by the Department in accordance with the order to be passed in such enquiry. Hence, appropriate orders may be passed protecting the temple property and the interest of the deity.

17. It is well settled that a revision under Section 25 of the Act is not an appeal, and interference is warranted only where the findings suffer from illegality, irregularity, or perversity.



C.R.P.No.594 of 2024

18. The principal issue that arises for consideration is whether the petition property, along with the private temple situated therein, is the petitioner's own property, or whether it is a public charitable temple property, as contended by the respondents.

19. The materials on record disclose that disputes regarding the nature of the temple had arisen in earlier proceedings. In O.A. No.265 of 1946, the temple was initially held to be a public temple. However, the said finding was set aside by this Court, by order dated 04.03.1960 in O.P. Nos.252 and 279 of 1948, leaving the issue open for fresh determination under the Hindu Religious and Charitable Endowments Act, 1959.

20. Thereafter, the petitioner, having acquired title under valid release deeds, approached the Deputy Commissioner, HR & CE, under Section 63(a) of the Act. By order dated 24.05.1979 in OA.68 of 1976 marked as Ex.P9, the Deputy Commissioner categorically held that the temple in question is not a public temple within the meaning of Section 6(20) of the Act. Admittedly, no appeal was preferred against the said order, and the same has attained finality.



C.R.P.No.594 of 2024

21. Even thereafter, the respondents continued to pay rent to the petitioner, including by money orders, thereby acknowledging the landlord-tenant relationship. It was only upon issuance of the notice seeking enhancement of rent that the respondents raised the plea denying the petitioner's title.

22. The entire defence of the respondents rests on the plea that the property belongs to a public temple. In view of the binding and unchallenged order of the competent authority, marked as Ex.P9, such a contention is wholly untenable and devoid of legal merit.

23. The respondents also attempted to reopen the issue before the HR & CE authorities by initiating proceedings after a delay of more than 27 years, which was dismissed. The subsequent Civil Revision Petition in C.R.P (NPD).2742 of 2008 filed before this Court was also dismissed by the order dated 17.11.2011. Hence, the issue has attained finality.



C.R.P.No.594 of 2024

24. The exemption under G.O.Ms.No.2000, Home Department, dated 16.08.1976, applies only to buildings belonging to public religious or charitable trusts. In the present case, the respondents have failed to establish that the property belongs to any such trust. A mere assertion, without supporting evidence, cannot displace the findings already rendered by the competent authority

25. Further, under Section 116 of the Indian Evidence Act, a tenant is estopped from denying the title of the landlord at the commencement of the tenancy. The respondents, having admitted the tenancy and payment of rent, cannot now be permitted to dispute the petitioner's title.

26. In the light of the above discussion, this Court finds no illegality, irregularity, or perversity in the concurrent findings of the authorities below warranting interference under Section 25 of the Act.

27. Accordingly, the Civil Revision Petition is dismissed with costs. The petitioners in the Civil Revision Petition / respondents in the original



C.R.P.No.594 of 2024

petition (tenants) are granted one month's time from the date of this order to vacate and hand over vacant possession of the petition premises to the respondents 1 to 3 in the Civil Revision Petition (landlords). Consequently, all connected miscellaneous petitions are closed.

09.06.2026

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Index: Yes/No

Speaking Order /Non-speaking order

Neutral citation: Yes/No

To

1. The VIIth Small Causes Court, Chennai.
2. The XVIth Small Causes Court, Chennai.
3. The Section Officer,
V.R.Records,
Madras High Court.



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C.R.P.No.594 of 2024

DR. A.D. MARIA CLETE, J

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PRE DELIVERY JUDGMENT
C.R.P. No. 594 of 2024

09.06.2026