



WEB COPY

WP No. 7274 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 7274 of 2026

W.M.P.No.7843 of 2026

Neelavathi

..Petitioner(s)

Vs

1. The Commissioner
Tamil Nadu HR and CE Department
Chennai-34.
2. The Joint commissioner
Joint commissioner Office
Tamil Nadu HR and CE
Cuddalore.
3. The Assistant Commissioner
Assistant Commissioner Office
Tamilnadu HR and CE
Ariyalur.
4. The Executive officer
Tamil Nadu HR and CE
Sirukalathur, Senthurai Taluk,
Ariyalur District

..Respondent(s)

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus or any appropriate writ or order or direction in the nature of a writ to call for the records order passed by the 3rd respondent in vide impugned order Na.Ka.No.1090/2024/A5 dated 27.1.2026 and to quash the same and further directing the respondents to re-fix the rent and follow the procedure under section 34A and B of HR and CE Act.



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For Petitioner(s):
For Respondent(s):

Mr.V.Balamurugan
Mr.S.Ravichandran
Additional Government Pleader
for R1 to R4

ORDER

The writ petition is filed to quash the impugned order in Na.Ka.No. 1090/2024/A5 dated 27.01.2026 passed by the third respondent and to further direct the respondents to re-fix the rent and to follow the procedures under Section 34A and B of the Tamil Nadu Hindu Religious and Charitable Endowments (HR & CE) Act, 1959.

2. Upon hearing the learned counsel for the petitioner and perusing the affidavit filed in support of the writ petition and the material records of the case, the grievance of the petitioner is that the petitioner is in occupation of the land by putting up a house property. He has been there for generations and his father and grandfather used to pay the rent which was being collected by the temple. While so, when the eviction proceedings were initiated, when the petitioner approached the respondents for fixation of fair rent and regularisation of the tenancy, the fair rent is fixed from the year 2001 retrospectively and therefore the petitioner is unable to pay now. Consequently, further proceedings are being taken and therefore the petitioner is before this Court.



3. *Mr.S.Ravichandran*, the learned Additional Government Pleader taking notice on behalf of the respondents would submit that in this case an eviction order has already been passed and the revision is also dismissed. Even at that stage, when the petitioner wanted to regularise the tenancy, the Commissioner had passed orders fixing the rate for him to pay the arrears due and only if the petitioner pays the rent, the temple is also willing to regularise him as a tenant.

4. In the aforesaid factual circumstances, the learned counsel for the petitioner submits that the petitioner is not in a position to pay the entire sum in one go. If that be so, the petitioner should have approached the Commissioner by depositing at least a part of the amount and praying for deposit of the balance amount by way of instalments. That not having been done, the petitioner cannot be permitted to challenge the consequential order.

5. This writ petition is accordingly *disposed of* on the following terms:

The prayer of the petitioner to quash the impugned order cannot be acceded to. However, within two weeks from the date of receipt of a copy of this order, it would be open to the petitioner to approach the Joint Commissioner, namely the second respondent, by a written representation as to how they are willing to clear the arrears and if they are willing to pay some portion of the same and clear the arrears by reasonable instalments and at the



same time undertaking to pay the current rent to the temple, the same shall be considered accordingly by the Joint Commissioner.

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6. With the said liberty given to the petitioner, the writ petition stands *disposed of*. Consequently, connected miscellaneous petition is also closed. No costs.

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Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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