



WEB COPY

WP No. 8316 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 8316 of 2023

S.Lalitha Bai

W/o. Subash Chand, No.2, Whites road II Lane,
Royapettah, Chennai 14

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Govt., Tourism, Culture
and Religious Endowments Department, Fort
St.George, Chennai 09
2. The commissioner
Hr and CE Department, 119 Uthamar Gandhi
Salai, Nungambakkam, Chennai 34
3. The Joint commissioner II
Hr and CE Department, TNSCB Complex, 2nd
Floor, R.K.Mutt road, Chennai 4
4. The Assistant Commissioner
Hr and CE Department, No. 128 Yadaval
Street, 2nd floor, PAdi, Chennai 50
5. The Executive officer
Arulmighu Rathina Vinayagar and Durgai
Amman Temple Whites road, Royapettah,
Chennai 14

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the 4th and 5th respondents to de-seal the premises comprised in Survey No. 328/4 , Door No.2, Thiru Vi Ka Salai, Whites road II Lane, Chennai 14 admeasuring 1531 sq.ft pending disposal of the appeal in R.P . No. 34/15 on the file of the 1st respondent



For Petitioner(s):

Mr.M.Sunil Kumar

For Respondent(s):

Mr.N.R.R.Arun Natarajan Spl.Gp. Hr & Ce For R1 to R5

Order

The petitioner has filed this petition to direct the 4th and 5th respondents to de-seal the premises.

2. Case of the petitioner is that the petitioner's brother one Prithiviraj was tenant of land comprised in S.F.NO.328/4, Door No.2, Thiru Vi Ka Salai, Whites Road, 2nd Lane, Chennai 600 014, admeasuring 1947 sq.ft. The said land belongs to the 5th respondent Temple. Thereafter the said Prithiviraj transferred his tenancy to the petitioner and he used the said property / godown to store tyres. The petitioner also approached the respondents for change of name in respect of tenancy. While so, the 5th respondent Temple issued a notice dated 15.04.2004 in the name of petitioner's deceased brother, calling upon to pay revised rent of Rs.7508/- per month, against which, the petitioner has initiated legal proceedings. In the interregnum, on 05.05.2009, the 3rd respondent herein issued a show cause notice observing the petitioner as an encroacher. In the said show cause notice, the extent of property was wrongly stated as 2237 sq.ft, for which, the petitioner has also sent a reply on 18.11.2009. Thereafter also, the petitioner has received summons from the 3rd respondent on the said show cause



notice for enquiry. The petitioner appeared and attended the enquiry and he undertook to pay the reasonable rent as per the Government Order. However, the 3rd respondent has rejected his explanation and declared him as an encroacher. At this juncture on 28.02.2023, the officials of respondents 4 and 5 visited the godown and without any prior notice, sealed the godown, for which, the petitioner has preferred an appeal before the 1st respondent and it is pending. Aggrieved by the sealing of the premises, the petitioner has preferred this writ petition.

3. Learned counsel for the petitioner submitted that when the petitioner undertook and voluntarily paid differential amounts assessed towards the rent based on the Government Orders issued from time to time in order to establish her bonafide in her attempt for fixation of fair rent, sudden sealing of premises has caused serious prejudice to the livelihood of the petitioner and hence, prays for appropriate orders.

4. The petitioner also appeared before this Court. When this Court raised a query as to the arrear amount towards the rent, the petitioner herself admitted a sum of Rs.20 lakhs as arrears.

5. However, learned Special Government Pleader (HR &CE) submitted that the total arrear amount towards rent is around Rs.60 lakhs. In order to settle



the issue amicably between the parties, he has no objection for the admitted amount of Rs.20,00,000/- being paid by the petitioner.

WEB COPY

6. This Court heard the petitioner in person, the counsel appearing for the respondents and also perused the materials available on record.

7. Facts of the case is that for non payment of rental arrears, the respondents had initiated Section 78 proceedings against the petitioner and demanded a sum of Rs.60,00,000/- as arrears and sealed the premises by taking the possession. The petitioner has admitted arrears of Rs.20 lakhs and undertaken to pay amount to the tune of Rs.20,00,000/- in full quit. In order to give quietus to the issue, this Court directs the petitioner to pay the admitted amount of Rs.20,00,000/- in favour of the 5th respondent Temple within a period of four weeks from the date of receipt of a copy of this order. In default, the petitioner shall pay interest @ 24% on the aforesaid amount of Rs.20 lakhs from the date on which the amount fell due. On receipt of the aforesaid amount within the time prescribed above, the 5th respondent Temple is directed to de-seal the premises so as to enable the petitioner to remove his belongings. The respondents have already taken possession and therefore, they are directed not to initiate any further proceedings against the petitioner, subject to receipt of the aforesaid amount.



8. The Writ Petition is disposed of with the above directions. No costs.

Consequently connected miscellaneous petition is closed.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SK

To

1. The Secretary to Govt., Tourism, Culture and Religious Endowments Department, Fort St.George, Chennai 09
2. The commissioner
Hr and CE Department, 119 Uthamar Gandhi Salai, Nungambakkam, Chennai 34
3. The Joint commissioner II
Hr and CE Department, TNSCB Complex, 2nd Floor, R.K.Mutt road, Chennai 4
4. The Assistant Commissioner
Hr and CE Department, No. 128 Yadaval Street, 2nd floor, PAdi, Chennai 50
5. The Executive officer
Arulmighu Rathina Vinayagar and Durgai Amman Temple Whites road, Royapettah, Chennai 14



WEB COPY

WP No. 8316 of 2



M.DHANDAPANI J.

sk

WP No. 8316 of 2023

03-03-2026