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WP No. 11687 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11687 of 2026

AND

WMP NO. 12745 OF 2026

M.A. Raphel
S/O.M.I.Anthony
No.79, B.B.Road
Vyasarpadi
Chennai-600 039

..Petitioner(s)

Vs

1. The Commisioner
HR and CE Department
No.119, Uthamar Gandhi salai
Nungambakkam
chennai-600 034
2. The Joint Commissioner
HR and CE Department
No.119, Uthamar Gandhi Salai
Nungambakkam,
Chennai-600 034
3. The Executive officer
Arulmigu Sundaraja Perumal and Anjaneya
Swamy Thirukoil
Choolai
Chennai-600 112
4. Sathish
NO.79, B.B.Road
Vyasarpadi
Chennai-600 039
5. Sreedharan
No.79, B.B.Road
Vyasarpdai
Chennai-600 039



..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus calling for the records relating to the impugned letter dated 29.1.2026 issued by the 3rd respondent quash the same and direct the respondent 1 and 2 to transfer the tenancy right to the name of the petitioner in respect of the property belong to arulmigu Sundaraja perumal and Anjaneya Swamy Thirukoil situated at No.79, B.B.Road, Vyasarpadi and a portion of land to the extent of 1200 sq.ft in the light of the resolution passed by the 3rd respondent dated 30.3.2007

For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mr.N.R.R.Arun Natarajan, Special Government
Pleader for R1 to R3

Order

This Writ Petition is filed by the petitioner against the impugned order of the 3rd respondent, whereby the said official refused to accept the arrear rental amount to transfer the tenancy right in the name of the petitioner in respect of the subject property.

2. Case of the petitioner is that the land measuring an extent of 4891 sq.ft belonged to Arulmigu Sunddaraja Perumal and Anjaneya Swamy Thiruvkoil situated at Choolai, was allotted to one Mr.V.Kannan for rental purpose. The said Kannan permitted the petitioner to occupy 1200 sq.ft on rental basis, and the petitioner is running Car Mechanic Shed in the said portion. Thereafter, a



request made by the petitioner for transfer of tenancy right in his favour, was agreed by the said Kannan. The petitioner has approached the Executive Officer, who has also recommended transfer of the tenancy in favour of the petitioner subject to certain monetary conditions to be complied with and accordingly, the petitioner has already deposited a sum of Rs.1,70,586/~ (Rupees one lakh seventy thousand five hundred and eighty six only) and fulfilled the conditions imposed on the petitioner, which was at the rate of 15 times the monthly rent, working out the arrears from 01.11.2001.

3. Subsequently the original allottee Kannan was unable to pay the rent for his portion and hence he sublet the portion to the respondents 4 and 5, who has not paid the rent properly. Thereafter the said Kannan had died. Therefore, the 3rd respondent issued demand notice dated 29.10.2018 calling the respondents 4 and 5 and the petitioner to pay the rental arrears of Rs.13,65,468/-. Since arrear amount was not paid, the 3rd respondent cancelled the allotment by an order dated 15.09.2019 and directed the allottees to handover the possession to the Department. Aggrieved over which, the petitioner filed W.P.No.44978 of 2025, wherein this Court disposed the writ petition on condition that the petitioner shall pay Rs.4,00,000/- towards arrears of rent insofar as the property in occupation of the petitioner is concerned, within a period of 4 weeks and subject to the compliance, also directed the 2nd respondent to pass orders on the recommendations to transfer the tenancy in



favour of the petitioner in respect of 1200 sq.ft.

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4. In compliance of the said order, the petitioner as early as on 24.12.2025, the petitioner took a Demand Draft for a sum of Rs.2,50,000/- and sent to the 3rd respondent. However, the 3rd respondent vide order dated 29.01.2026, refused to accept the same stating that the petitioner has not paid the entire 4 lakhs and no further steps was taken to transfer the tenancy right. Aggrieved by the refusal order, this writ petition is filed.

5. Learned counsel for the petitioner submits that the petitioner has been in possession of only 1,200 Sq.ft of the property belonging to the temple out of 4,891 Sq.ft of land at No.79, B.B.Road, Vysarpadi, Chennai. The grievance of the petitioner is that, despite the amount being deposited and the Executive Officer recommending for transfer of tenancy in favour of the petitioner, the respondents failed to approve the transfer in favour of the petitioner.

6. Learned counsel for the petitioner further submitted that he is ready and willing to pay the entire amount of Rs.4,00,000/- and therefore, this Court may issue direction to the official respondents to accept the demand draft for the said amount and to pass orders on the recommendation of the 3rd respondent to transfer of tenancy right in favour of the petitioner.



7. Learned Special Government Pleader appearing for the official respondents has no objection for such an order being passed by this Court.

8. Heard both sides and also perused the materials available on record.

9. In view of the submission made by the learned counsel on either sides, this Court directs the petitioner to pay the entire amount as directed in W.P.No.44978 of 2025, on or before 26.03.2026. Upon receipt of the said amount, the 2nd respondent is directed to implement the order passed by this Court in the above said writ petition.

10. The Writ Petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

25-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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Note: Issue order copy on 26.03.2026.

To

1. The Commissioner
HR and CE Department
No.119, Uthamar Gandhi salai
Nungambakkam
chennai-600 034.



2. The Joint Commissioner
HR and CE Department
No.119, Uthamar Gandhi Salai
Nungambakkam,
Chennai-600 034
3. The Executive officer
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