



W.P.No.12015 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12015 of 2026
And
W.M.P.No.13112 of 2026

Kasturba Gandhi Matriculation Higher Secondary School,
Represented by its Secretary, Mr.M.Inbaraj,
75-B, Durgalaya Road,
Tiruvarur – 610 002. ... Petitioner

Vs.

- 1 The Commissioner
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowments Department
ASN Colony, Melakottaivasal,
Nagapattinam – 611 001.
- 3 The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruvarur – 610 001.
- 4 The Executive Officer,
Arulmighu Thiyagarajaswamy Temple,
Tiruvarur – 610 001. ... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated Na.Ka.No.2265055/2025/R1 dated 17.02.2026 passed by the respondent no.1, quash the same as arbitrary and illegal, and consequently direct the respondent no.1 to provide additional 15,000 sq.ft., for playground purpose to the petitioner on payment of the fair rent fixed by the Committee appointed under Section 34 A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

For Petitioner : Ms.Saranya Bai G S
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader(HR&CE)

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order Na.Ka.No.2265055/2025/R1 dated 17.02.2026 passed by the first respondent, quash the same as arbitrary and illegal, and consequently direct the first respondent to provide additional



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15,000 sq.ft., for playground purpose to the petitioner on payment of the fair rent fixed by the Committee appointed under Section 34 A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'Act']

3.The learned counsel appearing for the petitioner submitted that the petitioner School is a recognized educational institution with the Department of School Education and has been functioning in the land belonging to the fourth respondent Temple to an extent of 78,268 sq.ft., from 02.06.1986 and is managed by the Kasturba Gandhi Charitable and Educational Trust. Whiles, the second respondent initiated proceedings under Sections 78 and 79 of the Act in M.P.No.310 of 2021 and an order was passed on 04.10.2024 stating that the petitioner is an encroacher and directed the petitioner to vacate the premises immediately and aggrieved by the said order, the petitioner filed revision under Section 21 of the Act in R.P.No.568 of 2024 before the first respondent and the first respondent passed an interim order on 06.05.2025 and aggrieved by the same, the petitioner filed W.P.No.39070 of 2025.

4.The learned counsel appearing for the petitioner further



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submitted that during the course of arguments in W.P.No.39070 of 2025, the learned counsel who appeared for the petitioner in the said writ petition submitted that the playground area of an extent of 15,000 sq.ft. is necessary for effective running of the School, as otherwise the School will not have any space or playground for the students and this Court while disposing the said writ petition on 17.11.2025 directed the petitioner to give representation requesting for lease of additional area for use of petitioner School as a playground and issued direction to the first respondent to consider the same and to pass appropriate orders, pursuant to which, the petitioner made representation to the respondents for lease of additional area of 15,000 sq.ft. and the first respondent passed the impugned order stating that the petitioner's request for lease will be considered if the petitioner pay the entire arrears amount and file an affidavit regarding payment of the rent fixed by the Temple.

5.The learned counsel appearing for the petitioner further submitted that as per the impugned order, the total arrears amount is Rs.1,94,70,420/- out of which, the petitioner has already paid a sum of Rs.69,25,000/- and after adjusting the said amount, the balance arrears amount is Rs.1,25,45,420/- and the petitioner is ready to pay



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25% of the said amount i.e., Rs.31,36,355/- and further submitted that this Court may without going into the merits of the case, issue direction to the first respondent to provide additional 15,000 sq.ft., for playground purpose to the petitioner on payment of Rs.31,36,355/-.

6.The learned Special Government Pleader (HR&CE) appearing for the respondents pointing out the impugned order submitted that the total arrears amount as on 24.10.2025 is Rs.1,94,70,420/- out of which, the petitioner paid a sum of Rs.39,50,000/- and the balance amount is Rs.1,55,20,420/- and the first respondent during enquiry, informed the petitioner to pay Rs.50 Lakhs which is a portion of the amount and to pay the balance arrears amount along with the fair rent, however, the petitioner did not pay the amount and hence, the first respondent passed the impugned order. The learned Special Government Pleader further submitted that even as per the calculation of the petitioner, there is an arrears of Rs.1,25,45,420/- which is a huge amount and hence, this Court may issue direction to the petitioner to pay atleast Rs.50 Lakhs within a reasonable time frame for the first respondent to consider the petitioner's request for lease of additional area of 15,000sq.ft.



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7. Heard the arguments advanced on either side and perused the materials available on record.

8. The petitioner School is a recognized educational institution with the Department of School Education and has been functioning in the land belonging to the fourth respondent Temple. The petitioner made representation to the respondents for lease of additional area of 15,000 sq.ft. and the first respondent passed the impugned order stating that the petitioner's request for lease will be considered if the petitioner pay the entire arrears amount and file an affidavit regarding payment of the rent fixed by the Temple.

9. Even as per the petitioner, there is an arrears of Rs.1,25,45,420/-, which is a huge amount. Hence, this Court directs the petitioner to pay a sum of Rs.50,00,000/- [Rupees Fifty Lakhs Only], within a period of six weeks from the date of receipt of a copy of this order. On such payment being made by the petitioner, the first respondent is directed to consider the petitioner's request for lease of additional area of 15,000sq.ft. and to pass appropriate orders. If the petitioner defaults in making such payment, the impugned order dated 17.02.2026 passed by the first respondent shall stand confirmed.



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10.The writ petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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Chennai – 600 034.
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M.DHANDAPANI,J.
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