



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 13990 of 2026

S.Ganesan

..Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai.
3. The Executive Officer
Arulmighu Vellaipillayar Thirukoil,
Athur,
Salem.
4. Govindaraj
5. Cibi

..Respondents

(5th Respondent is impleaded as per the order dated 17.06.2026 made in W.M.P.No.16500 of 2026 in W.P.No.13990 of 2026)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in proceedings Ve.Aa.No.31/Se Ma Tho A/Salem/2026, dated 06.02.2026 on the file of the third respondent published in Dina Suriyan daily dated 07.02.2026 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to pass such further or other orders.



(Prayer amended vide order dated 17.04.2026 made in WMP No.16504/2026 in WP.13990/2026 by MDIJ)

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For Petitioner :

Ms.R.Poornima

For Respondent(s):

Mr.M.Veerabathran Prasanth
Government Counsel (HR & CE) For R1 to 3

Ms.Dakshayani Reddy
Senior Counsel
for Mr.R.Nandha Kumar For R5

ORDER

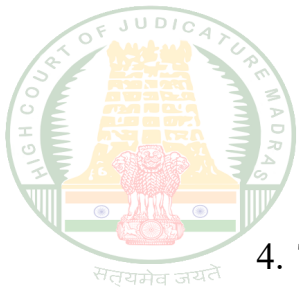
This Writ Petition has been filed challenging the auction proceedings of the third respondent bearing Ve.Aa.No.31/Se Ma Tho A/Salem/2026, dated 06.02.2026 which was published in Dina Suriyan daily on 07.02.2026.

2. The learned counsel for the petitioner submitted that the property situated at Door Nos.960 and 962, Cuddalore Main Road, Attur, Salem, belongs to Sree Arulmighu Vellaipillayar Temple, Attur which comes under the control of Hindu Religious and Chartable Endowment Board. The said property was leased to the petitioner's father in the year 1950 and he was running a hotel in the name and style of "Gowri Shankar". After the demise of the petitioner's father, the petitioner and his four brothers were running the said hotel business. However, only in the year 2013 the petitioner came to know that the lease was transferred in the name of the fourth respondent when the fourth respondent attempted to transfer the lease agreement in favour of his second wife.



Therefore, the petitioner made objection before the authorities of the Hindu Religious and Charitable Endowment Board and based on which, the second respondent conducted a detailed enquiry by which he observed that unilaterally the name change in the lease agreement from the father of the petitioner to his elder brother/fourth respondent has taken place. Therefore, the second respondent had directed the petitioner to approach Civil Court to establish his legal rights.

3. It is further submitted that the petitioner filed a suit in O.S.No.22 of 2014 on the file of the Sub Court, Attur seeking a direction to give his share in the profit and for injunction restraining from disturbing him from carrying on hotel business and also filed another suit in O.S.No.155 of 2016 seeking the relief of recovery of money and for permanent injunction and both suits were decreed in his favour on 28.03.2024 and 27.11.2024 respectively. In the meanwhile, the fourth respondent has not paid the rent which accumulated to the tune of Rs.53,71,595/- and subsequently, closed the business and handed over the property to the authorities of the Hindu Religious and Chartable Endowment Board. Thereafter, the impugned auction proceedings came to be issued and the fifth respondent, who was the successful bidder, was given possession of the said property. As the rights of the petitioner is deprived, the petitioner has filed this Writ Petition.

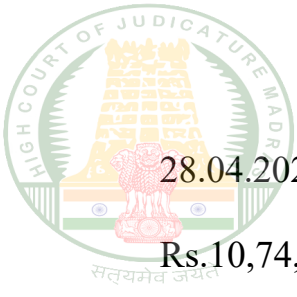


4. The learned Government's counsel submitted that this Court by order dated 28.04.2026 directed the petitioner to remit the outstanding dues of Rs.53,71,595/- which is the arrears of rent as claimed by the respondent by way of demand draft in favour of the third respondent on or before 02.06.2026. However, the petitioner has not remitted the same till date stating that it is on the fault of the fourth respondent. Therefore, he submitted that no leniency can be shown to the petitioner and this Writ Petition may be dismissed.

5. The learned Senior Counsel appearing for the newly impleaded fifth respondent submitted that the fifth respondent paid Rs.10,74,000/- as one year rent in advance and a sum of Rs.5,00,000/- as security amount. She further submitted that pursuant to the successful auction, the fifth respondent has taken possession of the property. Therefore, the present Writ Petition may be dismissed.

6. Heard the learned counsel on either side and perused the materials available on record.

7. On considering the above submission and on perusal of the materials available on record, it is seen that the petitioner has not paid the outstanding rental arrears of Rs.53,71,595/- as directed by this Court by order dated



28.04.2026 and the successful bidder viz., the fifth respondent has paid a sum of Rs.10,74,000/- towards one year advance rent and a sum of Rs.5,00,000/- as security amount and also taken possession of the property. Further, this Court is unable to understand that how the fourth respondent was permitted to run the business when he was in huge amount of rental arrears to the tune of Rs.53,71,595/-. Such being the case, taking all the above aspects into consideration, this Court is of the view that there is no merit in this Writ Petition and the same is to be dismissed. Accordingly, this Writ Petition is dismissed. However, it is made clear that since the possession has already been handed over to the fifth respondent, he can carry on the business in accordance with law. Further, if any proceedings are initiated for the recovery of rental arrears, the official respondents are at liberty to pursue the same against the fourth respondent. No costs.

17-06-2026

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

SRM



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KRISHNAN RAMASAMY, J.

SRM

To

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Nungambakkam, Chennai.
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