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W.P.No.20040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 20040 of 2024

and

W.M.P. Nos.21937 & 21939 of 2024

A.Jesubalan

No.34/81, Collectorate Colony, 2nd Cross Street,
Aminjikarai, Chennai-29.

..Petitioner(s)

Vs

1. The Joint Commissioner
Hindu Religious And Charitable Endowment
Department, Mylapore, Chennai-004.
2. Arulmighu Ekambareswarar Thirukoil
Rep By Its Executive Officer Having Its Office,
At The Temple Premises, Aminjikarai,
Chennai-029.

..Respondent(s)

PRAYER: To call for the records on the file of the 2nd Respondent in M.P. No. 214 of 2021 and quash the impugned proceeding dated 21.06.2024 passed by the 2nd respondent and quash the same and direct the respondents to measure the property with the help of surveyor to calculate the monthly rent for the property situate at No.322, P.H.Road, Aminjikarai, Chennai-029.

For Petitioner(s): V.Suryaprakash

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



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ORDER

This writ petition has been filed to call for the records on the file of the 2nd Respondent in M.P. No. 214 of 2021 and quash the impugned proceeding dated 21.06.2024 passed by the 2nd respondent and direct the respondents to measure the property with the help of surveyor to calculate the monthly rent for the property situated at No.322, P.H.Road, Aminjikarai, Chennai-29.

2.The brief facts leading to the filing of this petition is that the petitioner is the owner of the premises situated in No.322, P.H.Road, Aminjikarai, Chennai-29 and the respondents have filed two different cases in M.P.No.37 of 2022 and M.P.No.214 of 2021 against the petitioner and other occupants to take action against them alleging that the said property is a temple land and they are causing financial loss to the temple without paying the regular rents and has passed orders in M.P.Nos.214 of 2021 & 37 of 2022 directing to pay the arrears of rent. Subsequently the second respondent has also issued a notice that as per the Order passed in M.P.No.214 of 2021 dated 21.06.2024, Rs.15,00,000/- stands due to be paid, failing which the land would be taken into possession. Aggrieved by the said order, this petition has been filed.



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3.The learned counsel for the petitioner submits that the arrears of rent has not been properly calculated by the respondents and the total extent of the land is 2800 sq.ft., viz., 1316 sq.ft and 1484 sq.ft., purchased by two sale deeds in S.No.70/14 and Door No.322 from two different owners, whereas the respondents have mentioned the total extent as 3495 sq.ft., viz., 1470 sq.ft and 2025 sq.ft and has calculated higher rent. It is also submitted that out of 1316 sq.ft, 424 sq.ft was left for widening the road and the said portion is used as public road and the same is not utilized by the petitioner and it is submitted the petitioner has paid a sum of Rs.10,00,000/- towards arrears of rent in various installments. However, the notice has been issued to pay a sum of Rs.15,00,000/- failing which the petitioner's property will be sealed and taken into possession without any consideration. Thus, the petitioner prays for allowing the petition.

4.The learned Special Government Pleader appearing for the respondents submits that vide proceedings dated 25.11.2021, it is stated that the first respondent has directly inspected the premises on 31.10.2019 and has submitted a report stating that the property was given rent and fair rent was fixed on 09.11.2007 and till 31.08.2018 a sum of Rs.22, 42,082/- and a sum of Rs.18,42,036/- stands due to



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be paid and though by proceedings dated 20.08.2013, the respondents has cancelled the rental rights, till date no amount has been paid and thus the impugned order has been passed under Section 78(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and thus sought for dismissing the petition.

5.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6.In view of the facts and circumstances of the case and since there is a dispute with regard to the extent of the aforesaid property, the respondents are directed to measure the property situated at No.322, P.H.Road, Aminjikarai, Chennai – 600029 with the help of surveyor and thereafter, fix a rent for the property within a period of twelve weeks from the date of receipt of a copy of this order and if the petitioner is aggrieved by the same, he shall approach the competent authority in the proceedings under Section 78(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act in the manner known to law.



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7. Accordingly, this writ petition is disposed of with the aforesaid directions.

No costs. Consequently, the connected miscellaneous petitions stand closed.

11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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M.DHANDAPANI, J.

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