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WP No. 21899 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 21899 of 2022
and WMP.Nos.20920 & 20921 of 2022**

Dharmamurthi Rao Bahadur calavala
Cunnam Chetty Charities,
Rep by its Managing Trustee
Sri M.V.Cunniah Chetty,
Having Office at No.116, (New No.242),
Govindappa Naicken Street,
Chennai- 600 001.

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by the Principal Secretary to Government,
Tourism, Culture and Religious Endowments
Department,
Secretariat,
Fort St. George,
Chennai- 600 009.
2. The Commissioner
Hindu Religious and Charitable Endowments
Department,
Chennai- 600 034.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department,
Kancheepuram Region,
Kancheepuram.
4. Arulmigu Ekambaranathar Thirukkoil
Rep by its Executive officer,
Kanchipuram- 631 502.

..Respondent(s)



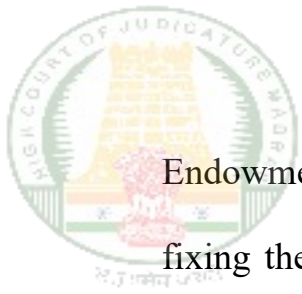
Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the fixation of fair rent by the 4th Respondents order dated 11.02.2021 and same was confirmed by the 2nd Respondents proceedings Na.Ka.No. 58086 / 2016 / V2 dated 15.03.2021 and consequentially Revenue Recovery Proceedings Na.Ka.No.2015 / 2022 / E2 dated 30.07.2022 initiated by the 3rd Respondent for the recovery of Rs.11,77,14,467 /- against the petitioner and Quash the same and direct the Respondents to follow the procedures contemplated under Section 34 A of the Tamil Nadu HR and CE Act, 1959 by affording opportunity to the Petitioner, while fixing the fair rent under the caption Damages for use and occupation from the period 01.06.1998 to 13.06.2021 in accordance to law.

For Petitioner(s): Mr.R.S.Jeevarathinam, Sr. Counsel
for Mr.V.Srinivasa Babu

For Respondent(s): Mr.N.R.R.Arun Natarajan SGP for R1 to R3
Mr.R.Bharanitharan for R4

ORDER

The fixation of fair rent by the fourth respondent order dated 11.02.2021 which was confirmed by the second respondent vide proceedings in Na.Ka.No. 58086 / 2016 / V2 dated 15.03.2021 and consequentially, Revenue Recovery Proceedings in Na.Ka.No.2015 / 2022 / E2 dated 30.07.2022 initiated by the third respondent for the recovery of Rs.11,77,14,467 /- against the petitioner, are put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the respondents to follow the procedures contemplated under Section 34 A of the Tamil Nadu Hindu Religious and Charitable



Endowments Act, 1959 by affording an opportunity to the petitioner, while fixing the fair rent under the caption “Damages” for use and occupation from the period 01.06.1998 to 13.06.2021 in accordance to law.

2. Heard the learned counsels appearing on either side. Mr.P.Kathiravan, the Executive Officer of the fourth respondent temple appeared in person before this Court today.

3. The learned Senior counsel for the petitioner submitted that the petitioner’s trust was established in the year 1920 with a lovable objects to establish educational institutions, medical awareness and medical assistants to poor and needy, sanction sustenance allowance to widows, scholarship for deserving students etc., and thereby taken the lands owned by the fourth respondent Ekambaranathar Tirukoil in Doc.No.1771 of 1900 by way of a registered lease deed for 99 years to an extent of 44.76 grounds as a vacant land in property No.768, Poonamallee High Road, Kilpauk, Chennai executed by the fourth respondent in favour of the founder of the petitioner’s trust and while so, after expiry of the lease period, there arose a series of disputes between the petitioner and the fourth respondent temple and hence, the present Writ Petition.

4. Furthermore, the learned Senior counsel submitted that during the pendency of the Writ Petition, the dispute between the petitioner and the fourth



respondent temple was settled and the petitioner's trust has agreed to pay a sum of Rs.3,25,00,000/- as a full and final settlement towards the arrears of rent and damages to the subject property and in regard to the same, an affidavit of undertaking was filed by the petitioner pursuant to the order of this Court dated 06.04.2026. He further submitted that as an initial payment, a cheque drawn on State Bank of India, Sowcarpet Branch, Chennai bearing No.21002 dated 07.04.2026 drawn in favour of the Executive Officer, Arulmigu Ekambaranathar Tirukoil, Kancheepuram to the tune of Rs.55 Lakhs was submitted before this Court and the details of mode of payment of the balance amount was stated in para 4 of the affidavit filed by the petitioner. He also submitted that the fourth respondent is at liberty to claim all the fixed deposits available in Indian Bank, Chetpet Branch in the name of M/s.Seetha Kingstan House Matriculation Higher Secondary School and appropriate letters will be sent to the bank to transfer the accounts to the fourth respondent so as to enable the fourth respondent to receive the aforesaid fixed deposits and also that all movable and immovable property of the subject property will be absolutely owned by the fourth respondent hereafter and the petitioner have no claim over the same and the fourth respondent in turn shall not have any claim whatsoever from the petitioner. He also submitted that the affidavit of undertaking filed by the petitioner shall form part and parcel of the order and thus, prayed this Court to close the Writ Petition.



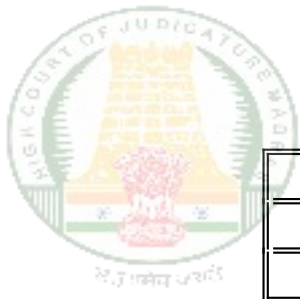
5. The learned Special Government Pleader as well as the learned Standing counsel appearing on behalf of the respondents 1 to 3 and fourth respondent respectively, on instructions submitted that, the respondents have no objection and agreed to the terms of the affidavit of undertaking filed by the petitioner.

6. The relevant portion of the affidavit of undertaking is extracted hereunder:-

“3.It is submitted that the petitioner charities are agreeable to pay a sum of Rs.3,25,00,000/- (Rupees Three Crore Twenty Five Lakhs Only) towards full and final settlement of arrears of rent/damages for the subject matter of the writ petition and to show their bonafide, initial payment of Rs.55,00,000/- (Rupees Fifty Five Lakhs Only) is tendered before this Hon’ble Court in favour of “The Executive Officer, Arulmigu Ekambaranathar Thirukkcoil, Kanchipuram” vide Cheque No.210002 dated 07.04.2026 drawn on State Bank of India, Sowcarpet Branch.

4.It is submitted that the balance sum of Rs.2,70,00,000/- (Rupees Two Crore Seventy Lakhs Only) will be paid in five equal instalments in favour of “Arulmigu Ekambaranathar Thirukkcoil” in the following manner:-

Sl.No.	Date	Payment
1.	01.06.2026	Rs.55,00,000/-
2.	01.07.2025	Rs.55,00,000/-
3.	01.08.2026	Rs.55,00,000/-



4.	01.09.2026	Rs.55,00,000/-
5.	01.10.2026	Rs.50,00,000/-
Total		Rs.2,70,00,000/-

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5.It is submitted that all fixed deposits now available in Indian Bank Chetpet Branch in the name of M/s.Seetha Kingstan House Matriculation Higher Secondary School, the fourth respondent is at liberty to claim those fixed deposits absolutely and that appropriate letter will be addressed by the petitioner to the said banker to enable the fourth respondent to receive those deposits. It is further submitted that all movables and immovable property consisting of five blocks with a total carpet are of 23,845 Sq.ft. approximately constructed by the petitioner in the lease property and all other apparatus/equipments shall be absolutely owned by the fourth respondent and that the petitioner have no claim whatsoever. Equally so, the fourth respondent shall not have any claim whatsoever against the petitioner.

In the above circumstances, it is humbly prayed that this Hon'ble Court may be pleased to record the affidavit of the petitioner and pass appropriate orders and thus render justice.”

7. In view of the fact that the affidavit of undertaking given by the petitioner is accepted by the respondents, the affidavit dated 15.04.2026 filed on behalf of the petitioner is hereby recorded and the aforesaid cheque dated 07.04.2026 given by the petitioner to the tune of Rs.55 Lakhs as initial payment



is handed over to the Executive Officer of the Arulmigu Ekambaranathar Tirukoil, Kancheepuram and the same is received by him.

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8. The Writ Petition is disposed of, in terms of the affidavit filed by the petitioner dated 15.04.2026 which was agreed by the respondents and the same shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

9. This Court also places on record its appreciation for the earnest efforts taken by the learned Senior counsel for the petitioner to arrive at an amicable settlement between the parties in the subject issue.

16-04-2026

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

DP



To

1. The Government of Tamil Nadu
Rep.by the Principal Secretary to Government,
Tourism, Culture and Religious Endowments
Department,
Secretariat, Fort St. George, Chennai- 600 009.
2. The Commissioner
Hindu Religious and Charitable Endowments
Department, Chennai- 600 034.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department,Kancheepuram Region,
Kancheepuram.
4. Arulmigu Ekambaranathar Thirukkoil
Rep by its Executive officer,
Kanchipuram- 631 502.



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M.DHANDAPANI, J.

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