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W.P.No.2340 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:30.01.2026

Coram

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2340 of 2026

Jinoth Kumar,
S/o Late R.Samath,
146A, Karungalpatti Main Road,
Salem 636 006.

.. Petitioner

/versus/

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Government of Tamil Nadu.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem.

3.The Executive Engineer,
Arulmigu Sathi Vinayagar Temple,
Karungalpatti, Salem District.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 3rd respondent herein made in Temple Office Letter No.1/2020 dated 01.02.2021, quash the same and consequently, direct the respondents to fix the fair rent as per the Tamil Nadu Hindu Religious and Charitable Endowment Act and Rules within a time frame fixed by this Hon'ble Court.



W.P.No.234 of 2021

For Petitioner

:Mr.B.Bharath Kumar
for M/s KV Law Firm

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For Respondents

:Mr.K.Karthikeyan, GA
HR & CE for R1 to R3

ORDER

The Writ Petition is filed for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order, dated 01.02.2021 and quash the same and consequently, direct the respondents to fix the fair rent in respect of the petitioner's shop.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the material records of the case, the case of the petitioner is that the petitioner is running a small betel nut and banana leaf shop in the premises for the past 20 years and was originally paying the lease rent without default. However, in the year 2021 they determined the monthly rent as Rs.1910/- per month and also sought arrears of Rs.82,904/-. When the petitioner was not able to pay the same, thereafter a show cause notice was given for initiation of eviction proceedings. The petitioner has been requesting for fixation of fair rent which is not being done by the respondents and therefore, this writ petition is filed for the aforesaid prayer.



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3. Per contra, the learned Government Advocate would submit that as on date, the total arrears of rent is Rs.1,80,594/-. If the petitioner is aggrieved of the order dated 01.02.2021, the petitioner should have filed an appeal by depositing the entire arrears within a period of one month, from the date of the said order. The petitioner neither filed an appeal for the past 5 years nor paid any arrears and therefore, he is not entitled for any relief. He has subsequently paid only minimum amount of Rs.15,000/-.

4. After considering the argument of the learned Government Advocate, when this Court enquired, whether the petitioner would deposit the entire arrears, the learned counsel for the petitioner would submit that he will deposit 50% of the arrears amount.

5. Considering the nature of shop, that is being run by the petitioner and the overall facts and circumstances of the case, only in the peculiar circumstances, this Writ Petition is disposed of on the following terms.

(i) The petitioner is entitled to file an appeal as against the order dated 01.02.2021 within a period of 30 days, after depositing the entire arrears, which has not been done so far. Time is extended by two weeks from the date of receipt of a web copy of the order.



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(ii) If the petitioner files an appeal, after depositing a sum of Rs.82,904/-, as per order dated 01.02.2021, the appeal shall be treated as in time and the first respondent shall consider the appeal in the manner known to law and on its own merits and pass a final order thereof within a period of 12 weeks from the date of filing of the appeal.

(iii) If the petitioner does not deposit the aforementioned sum of Rs.82,904/-, it is open for the authorities to proceed further for initiating eviction proceedings. No costs.

30.01.2026

Neutral citation: no

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Government of Tamil Nadu.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem.

3. The Executive Engineer,
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