



WEB COPY

W.A.No.560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.560 of 2023
and
C.M.P.No.5614 of 2023

K.Kasturi

...Appellant

Vs.

- 1.The Joint Commissioner,
O/o. Joint Commissioner, Chennai Zone – 2,
Hindu Religious & Charitable Endowments Department,
Mylapore, Chennai – 600 004.
- 2.The Assistant Commissioner,
O/o. Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Padi, Chennai – 600 040.
- 3.The Executive Officer,
Arulmighu Sathiya Varadharaja Perumal Thirukoil,
Arumbakkam, Chennai – 600 106,
Located in Arulmigu Egambarareswar Thirukoil,
Aminjikarai, Chennai – 600 029.

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the impugned order dated 22.09.2022 made in W.P.No.14685 of 2022.



W.A.No.560 of 2023

For Appellant : Mr.S.Anand Venkatesh
for Mr.N.R.Anantha Rama Krishna

For Respondents : Mr.N.R.R.Arun Natarajan,
Spl. Govt. Pleader

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Under assail is the writ order dated 22.09.2022 passed in W.P.No.14685 of 2022.

2. The writ petitioner is the appellant. Challenging the notice dated 20.05.2022 the Writ Petition came to be instituted. The appellant is a tenant in occupation of the temple land situated at Door No.7, Prasanna Vinayagar Koil Street, Aminjikarai Village, Chennai. Admittedly, the land belongs to the temple viz., Arulmighu Sathiya Varadharaja Perumal Thirukoil, Arumbakkam, Chennai – 106. The land was let out to the appellant for commercial purpose. The appellant is running a lodging house consisting of 40 rooms and other facilities. The writ Court considered the issues and found that the Writ Petition has been instituted challenging the notice and the appellant being a chronic defaulted in payment of rent, dismissed the Writ Petition.

3. The learned Special Government Pleader appearing on behalf of the respondents would submit that even after passing the writ order, for the past



about two years, not even one rupee has been paid towards rent to the temple. Due to the interim order granted in the Writ Appeal, the parties are unable to take eviction proceedings by invoking Section 78 of the Hindu Religious and Charitable Endowments Act [hereinafter referred to as “HR & CE Act”].

4. No writ against the demand notice is entertainable, unless such notice has been issued by an incompetent Authority having no jurisdiction. The impugned notice dated 20.05.2022 would show that the petitioner has committed default in payment of rent and even as on 2022, the rental arrears was calculated as Rs.1,07,22,966/-. As per Section 34A of the HR & CE Act, the HR & CE Department and temple Authorities are bound to fix fair rent once in three years. The fair rent has been fixed in the present case in respect of the subject property. Therefore, the appellant is bound by the fair rent fixed by the HR & CE Department.

5. The valuable properties are donated by few great souls / donors for the benefit of the temple and for its maintenance and to provide facilities to the devotees. Therefore, the temple administration and the HR & CE Department being the Trustees are bound to utilize the property for the purpose for which it was donated. In respect of default in payment of rent, the temple administration as well as the Department has to initiate prompt action to



W.A.No.560 of 2023

protect the income of the temple as well as the property. This being the spirit of the HR & CE Act and the Rules framed thereunder, the respondents have to pursue action either to recover the rent or to evict the defaulter by following the procedures as contemplated.

6. In the present case, the appellant being the defaulter in payment of monthly rent and the property is situate in Chennai city in a prime locality, this Court is not inclined to entertain the grounds raised in the present Writ Appeal. The writ Court has rightly rejected the Writ Petition, which deserves to be confirmed, Consequently, the Writ Appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (C.K., J.)
10.02.2026

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



W.A.No.560 of 2023

To

- 1.The Joint Commissioner,
O/o. Joint Commissioner, Chennai Zone – 2,
Hindu Religious & Charitable Endowments Department,
Mylapore, Chennai – 600 004.
- 2.The Assistant Commissioner,
O/o. Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Padi, Chennai – 600 040.
- 3.The Executive Officer,
Arulmighu Sathiya Varadharaja Perumal Thirukoil,
Arumbakkam, Chennai – 600 106,
Located in Arulmigu Egambarareswar Thirukoil,
Aminjikarai, Chennai – 600 029.



WEB COPY



W.A.No.560 of 2023

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

dsa

W.A.No.560 of 2023

10.02.2026