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W.P.Nos.38747 of 2024 etc.,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.38747, 38751, 38760, 38762, 38764 and 38767 of 2024
and**

W.M.P.Nos.41960, 41962, 41971, 41973, 41976 and 41978 of 2024

P.Suganya ...Petitioner in W.P.No.38747 of 2024

Usha ...Petitioner in W.P.No.38751 of 2024

D.Elangovan ...Petitioner in W.P.No.38760 of 2024

L.Jagannathan ...Petitioner in W.P.No.38762 of 2024

K.Ramasubramanian ...Petitioner in W.P.No.38764 of 2024

S.Jayabalan ...Petitioner in W.P.No.38767 of 2024

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Villupuram.

3.The Executive Officer,
Arulmighu Subramaniasamy Temple,



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U.Keeranur, Ulundurpet,
Kallakurichi.

....Respondents in all petitions

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records on the file of the third respondent in proceedings Nil dated 30.11.2024 pursuant to the orders in R.P.Nos.4, 5, 6, 7, 8, 42 of 2023 on the file of the first respondent dated 04.11.2024 and quash the same as illegal.

In all petitions

For Petitioners : Ms.R.Poornima

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)

COMMON ORDER

These Writ Petitions have been filed challenging the proceedings Nil dated 30.11.2024 issued by the third respondent pursuant to the orders in R.P.Nos.4, 5, 6, 7, 8 and 42 of 2023 on the file of the first respondent dated 04.11.2024 and quash the same as illegal.

2. The land in Survey No.92/1B2C1 measuring an extent of 14,790 sq.ft belonging to Subramaniaswamy Temple, U.Keeranur, was



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leased out to one Nallathambi on 25.10.1961, who constructed the building and let out the shops to various tenants. The petitioners were inducted as tenants in the ground floor and started running the shops for livelihood. The said Nallathambi collected rent from the tenants representing himself as the owner of the building and after the demise of Nallathambi, his legal heirs demanded and collected rent from the tenants including the petitioners. In the year 2013, the Temple Authorities issued notice directing the tenants to pay rent directly to the Temple and from the year 2013 onwards, the petitioners and other tenants started paying rent to the Temple and the petitioners have also paid the entire arrears amount as demanded by the Temple. While so, on 28.10.2022, the second respondent passed an order under Section 78(1)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, declaring all the tenants as encroachers and directing them to vacate the premises, despite there being no arrears of rent. Aggrieved by the same, the petitioners preferred revision petitions under Section 21 of the Act before the first respondent. The first respondent passed orders confirming the eviction order passed by the second respondent on 04.11.2024. Thereafter, on 30.11.2024, the third respondent issued notice



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directing the petitioners to hand over possession within 15 days, failing which, coercive action would be taken. Challenging the same, the petitioners are before this Court.

3. Learned counsel appearing for the petitioners submit that the petitioners are innocent occupants, who have been occupying the said shops and eking their livelihood and that they have also been paying the rents regularly to the respondents once the respondents put them on notice about the lands belonging to the temple. Therefore, considering the plight of the petitioners and also the fact that the shops are the very livelihood, it is submitted that this Court may safeguard the interests of the petitioners while at the same time safeguarding the interests of the deity and that the petitioners will abide by any conditions that are imposed by this Court.

4. The learned Special Government Pleader appearing for the respondents submits that Kumbabhishekam was performed in the Temple prior to 30 years and the temple structure and adjacent structures are in a dilapidated condition and is unfit for occupation irrespective of payment of



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rents regularly by the tenants. It is necessary to demolish the building in the interest of public safety and therefore, the respondents decided to construct the temple and also decided to construct Nandavanam, Palkavadi Mandapam and Annadhana Koodam and commercial shops for the benefit of the deity for conducting poojas after obtaining the Expert opinion.

5. Considering the fact that the petitioners are innocent tenants and have been in occupation of the tenanted premises for a long length of time and that they have been regularly paying the rents to the respondents and that they are also not in arrears of any rent and also taking into consideration the fact that they are eking out their livelihood from and out of the said business and also that they would abide by the conditions that would be imposed by this Court and also taking into account the fact that the temple and the adjacent building housing the shops are in a dilapidated conditions, as submitted by the learned Special Government Pleader, which is not disputed by the respondents and also keeping in mind the public safety of the persons coming to the temple, this Court is inclined to dispose of the writ petitions with the following directions :-



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i) The respondents are directed to construct the temple to the maximum extent possible in the land by putting up Nandavanam, Palkavadi Mandapam and Annadhana Koodam and commercial shops, the returns from which could be utilized for the benefit of deity for conducting pooja;

ii) The said activity shall be taken up by the respondents after obtaining necessary permission and the entire task of construction of the temple and other structures shall be completed within a period of 12 months from the date of receipt of a copy of this order;

ii) While allotting shops that are constructed, the respondents are directed that the petitioners shall be allotted shops on priority basis, without forcing them to participate in auction by fixing fair rent;

iii) Insofar as the balance shops are concerned, the same shall be allotted on public auction basis;



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iv) The petitioners are directed to remove their belongings in the temple premises within a period of two weeks from the date of receipt of a copy of this order so as to enable the respondents to pull down the structures and reconstruct the same before making any allotment.

6. Accordingly, these Writ Petitions are disposed of with the above directions. There shall be no order as to costs. Connected miscellaneous petitions are closed.

24.03.2026

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

Note: Issue order copy on **27.03.2026**



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To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
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3.The Executive Officer,
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