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W.A.No.796 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.796 of 2026
and C.M.P.No.8270 of 2026

B.Sundar
S/o. Late Dr. Bhuvaneshwar,
No.12/96, Gengu Reddy Street,
Egmore, Chennai 600 008.

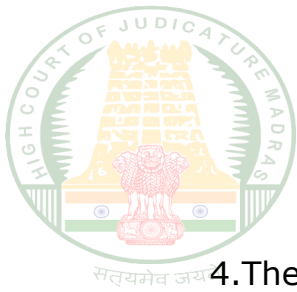
Appellant

Vs

1.Abdul Rahaman
S/o.Shahul Hameed,
No.96, Gandadeeswaran Koil Street,
Purasawalkkam,
Chennai-600 084

2.The Commissioner
H.R & C.E. Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-24

3.The Joint Commissioner
H.R & C.E. Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-24



W.A.No.796 of 2026

4. The Executive Officer

Arulmigu Gangadheeswarar Thirukoil,
Purasawakkam, Chennai-84

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.38871 of 2025, dated 16.10.2025.

For Appellant: Mr.K.Balasubramaniam

For Respondents: Ms.S.Pavithrashini
for R1

Mr.V.Chandra Prabu
Govt. Advocate (HR & CE)
for R2 and R3

Mr.S.Vijayaganesh
for R4

JUDGMENT

(Delivered by *G.Arul Murugan, J.*)

Calling into question the order dated 16.10.2025 made in W.P.No.38871 of 2025, the appellant, who is a third party, after obtaining leave to file appeal, has filed the present writ appeal.



W.A.No.796 of 2026

WEB COPY

2. Admittedly, proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as "HR & CE Act") came to be initiated against the appellant as well as the first respondent herein before the Joint Commissioner, HR & CE Department and disposed of on 17.03.2022. The appellant preferred revision before the second respondent/ Commissioner under Section 21 of the HR & CE Act.

3. The Commissioner, vide order dated 2.6.2025 in R.P.No.298 of 2023, on the revision petition filed by the appellant as against the department and the first respondent, has passed the following order:

"12. Since the 3rd respondent is willing to become a tenant under the temple, if the property is not required for the temple purpose, it is permitted the temple administration to treat him as tenant by exercising power vested under 11 of "The Lease of Immovable Property Rules" subject to the following conditions;-

1) The Respondent temple should measure the actual extent which is in occupation of the 3rd respondent and to fix the fair rent for the same as per the guidelines issued in accordance with law and as per various G.Os in this regard, and communicate the same to the 3rd respondent, along with total arrears of amount. The



WEB COPY



W.A.No.796 of 2026

amount already paid by the 3rd respondent, if any, will be adjusted in the total arrears of amount.

2) The 3rd respondent is directed to settle the rental arrears immediately.

3) The 3rd respondent should pay the monthly rent as fixed by the temple with an annual enhancement at the rate of 5% per annum.

4) The 3rd respondent should pay 10 months' rent as advance to safeguard the temple from any default in payment of rent in future.

5) The 3rd respondent should pay the monthly rent on or before 5th of every month. Default in this regard for a period of more than 2 months shall make the petitioners liable for forthwith termination of their tenancy, consequent eviction and forfeiture of the advance without further notice.

6) If the fair rent is not agreeable by the 3rd respondent, he should quit the property.

7) He should not make any additions or alterations in the existing structure without permission of the competent authority.

8) He should not sub-let the property.



WEB COPY



W.A.No.796 of 2026

9) *The tenancy shall be valid for not more the land is required for use of the temple for its own purposes/public purpose whichever is earlier.*

10) *The 3rd respondent shall execute a lease deed in favour of the temple accepting the above conditions within 15 days of the issue of this order.*

11) *If the 3rd respondent violates any one of the above conditions, it is open to the Respondent temple to initiate action to vacate the 3rd respondent and restore the property, in accordance with law as it may deem fit and proper.*

12) *If the 3rd respondent fail to settle the arrears, action shall be initiated under Section 79-C of the Act.*

This Revision Petition is disposed accordingly."

4. Assailing the order passed by the Commissioner in R.P.No.298 of 2023, the appellant herein, who claimed right over the property and denied any role of the department, has preferred a further revision before the Government under Section 114 of the HR & CE Act, which is pending in R.P.No.37 of 2025. In the appeal, the writ petitioner is also a party. While facts reveal thus, the writ petitioner, without making the appellant herein as party respondent, has



W.A.No.796 of 2026

preferred the writ petition seeking for implementation of the directions issued by the Commissioner vide order dated 2.6.2025.

WEB COPY

5. At the outset, it is to be noted that when the very order passed by the Commissioner is *sub judice* under revision before the Government, the writ petitioner, in all fairness, ought to have made the appellant herein as party respondent to the writ petition before seeking implementation of the order dated 2.6.2025.

6. However, without arraying the appellant as party and without affording an opportunity to him, the writ court, vide order dated 16.10.2025, issued direction to the department to accept the arrears of rent from the writ petitioner, including enhancement of rent.

7. The direction issued by the writ court directing the department to recognise the first respondent herein as a tenant would be detrimental to the interest of the appellant, if the appellant succeeds in the revision. In such view of the matter, we are of the considered opinion that the order of the writ court needs to be interfered with.



W.A.No.796 of 2026

8. Accordingly, the order dated 16.10.2025 passed in

W.P.No.38871 of 2025 is set aside and the writ appeal is allowed.

There shall be no order as to costs.

We make it clear that, it is for the parties to file necessary application before the Government seeking early hearing of the revision. We express no opinion.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
23.06.2026

Index : Yes/No
Neutral Citation : Yes/No
bbr

To:

- 1.The Commissioner
H.R & C.E. Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-24
- 2.The Joint Commissioner
H.R & C.E. Department,
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WEB COPY



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