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WMP No. 56791 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WMP Nos. 56791 & 56792 of 2025

in

W.P.No.1389 of 2024

Indian Bank

Stressed Assets Management (SAM) Branch, No.

55, Ethiraj Salai, Egmore Chennai 08 , Rep. By Its

Chief Manager, Mr. Naresh Kumar Parida

..Petitioner in both
WMPs

Vs

1. The Commissioner

Hindu Religious And Charitable Endowments

Department, No. 129, Uthamar Gandhi Salai,

Nungambakkm Chennai 600 034

2. The Joint Commissioner Hindu Religious and

Charitable Endowments Department

Vellore Division, Sathuvachari, Vellore

3. The Assistant Engineer Hindu Religious and

Charitable Endowments Department,

Tiruvallur



4. The Thakkar Executive Officer Sidhi Buddhi
Vinayagar Temple
Varadarajapuram, Poonamalee

5. Sre Parthasarathi Hotels Pvt Ltd Rep by its
Authorised Signatory Mr PC Baskar
No.8, Karpagambal Nagar, Chennai 600004

6. P C Baskar
No.8, Karpagambal Nagar, Chennai 600004

..Respondents in both
WMPs

Prayer in WMP No. 56791 of 2025: To modify/clarify the Paragraph 6 and 6e of Judgement dated 5.4.2024 passed by this Honble Court in the above Writ Petition W.P.No. 1389 of 2024 leaving it open to the Civil Court to decide about the entitlement of the parties to the proceeds of the business in accordance with law.

Prayer in WMP No. 56792 of 2025: To grant liberty to the Petitioner Bank to move necessary Application before the Civil Court for appropriation of the lease rentals to the loan account to the Respondents 5 and 6 which may be decided on merits.

For Petitioner (s): T.Sundar Rajan

For Respondent(s): Mr.K.Karthikeyan, GA
for R1 to R3

**ORDER****(Order of the Court was made by R.Suresh Kumar J.)**

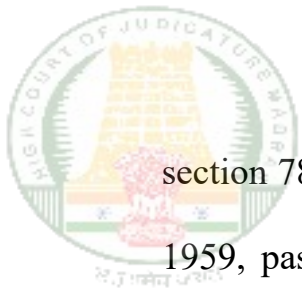
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W.M.P.No.56791 of 2025 is filed by the petitioner/Bank seeking to modify/clarify the Paragraph '6 and 6e' of Judgement dated 5.4.2024 passed by this Honble Court in the above Writ Petition W.P.No. 1389 of 2024 leaving it open to the Civil Court to decide about the entitlement of the parties to the proceeds of the business in accordance with law.

2. W.M.P.No.56791 of 2025 is filed by the petitioner/Bank to grant liberty to the Petitioner Bank to move necessary Application before the Civil Court for appropriation of the lease rentals to the loan account to the Respondents 5 and 6 which may be decided on merits.

3. Heard Mr.T. Sundar Rajan, learned counsel appearing for the petitioner. He submitted that the order dated 05.04.2024 made in W.P.No.1389 of 2024 requires modification in view of the direction given by the Honourable First Division Bench of this Court in the said order, especially, in paragraph 6 , very particularly, clause 6-e of paragraph 6.

4. In fact, the property in question is claimed by the private respondents, as if it is their property, however, it is claimed by the HR & CE Department as if it is a temple property. Therefore, the HR & CE, under



section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, passed an order with regard to the said property. Therefore, the Bank, since, have advanced loan to the private respondents, only against the said property, wanted to proceed against the property by SARFAESI proceedings.

5. Only, at that juncture, the Bank had approached the Writ Court by filing a Writ Petition seeking a prayer of Writ of mandamus directing the respondents 1 to 3 therein, to remove the lock and seal affixed by them over the mortgaged property being the land and building comprised in S.No.390/1B, Varadharajapuram Village, Poonamallee Taluk, Thiruvallur District on the Bangalore Highway and consequentially permit the petitioner and respondents 5 and 6 therein, to run the Kalyanamandapam and Hotel situated in the aforesaid property.

6. The Division Bench, having heard the learned counsel appearing for the parties and after having perused the materials placed before it, had disposed the Writ Petition with a set of directions. In fact, in paragraph 3 of the order, it has been observed that after the order was passed by the Joint Commissioner of HR & CE Department under section 78 of the HR & CE Act, with regard to the said asset holding that it is a temple land, the private respondents, ie., Nos. 5 and 6 filed a Civil Suit bearing O.S.No.286 of 2022 challenging the order of the Joint Commissioner and the Commissioner of HR & CE Department.



7. In the said suit, both the HR & CE Department as well as the private respondents are parties.

8. Only in that circumstances, a set of directions have been given in paragraph 6, which is reproduced herein for easy reference.

6. There are contradictory orders. The issue of title is not yet conclusively decided. The same would be decided only in the civil suit. During the interregnum, the property cannot be kept idle. It would be in nobody's interest to keep the property idle and allow it to deteriorate. The property was used to run a hotel and a wedding hall. It would be appropriate if the property is used for the same purpose. The dispute would be about the entitlement of the proceeds from the business that would be run. If the property belongs to the temple, then the amount would naturally go to the temple and not to respondent Nos.5 and 6 and /or the bank and if respondent No.5 and 6 are declared as owners, then the amount can certainly be claimed by the bank, which is a secured creditor. In light of that, we pass the following order:

a) The bank can give on lease the hotel and the marriage hall by appropriate method. The proceeds, that is, the lease amount, shall be deposited to the credit of the civil suit bearing O.S.No.286 of 2022 filed lby respondent Nos.5 & 6 and the same shall be kept in a Fixed Deposit by the Court so that the amount would earn interest;



b) The said arrangement is made till the disposal of the civil suit O.S.No.286 of 2022. Depending upon the judgment delivered by the civil Court, the amount deposited would be withdrawn by the parties.

c) During the pendency of the said civil suit, it will be the responsibility of the bank to ensure that the property in question is maintained properly. Only because we have permitted the bank to give the said property on lease and deposit the proceeds, that would not mean that we have decided about the rights of the bank and/or the HR & CE in question. The same would certainly be depended upon the decision given in the civil suit to which the borrower and the HR & CE are parties.

d) That is only an interim arrangement made between the parties so that the property would be safeguarded and also income would be derived. We have not conclusively decided about the rights, title and interest of respective parties. The same would be decided by the civil Court.

e) In case the decision of the civil suit goes in favour of the HR & CE department, then the HR & CE would be entitled for the said property and the bank and the borrower would not have any object to the same. The HR & CE may have symbolic possession, however, for all practical purposes, the bank would give on lease the said property.

f) The property shall be de-sealed by the HR & CE.'

9. In this context, very particularly, the present petitioner seeks modification of the direction given in paragraph 6 and 6e of the order.



Paragraph 6 makes it very clear that if the property belongs to the temple, then, the amount would naturally go to temple and not to the respondents 5 and 6 and or the bank and if the respondents 5 and 6 are declared as owners, then **the amount would certainly be claimed by the Bank which is the secured creditor.**

10. In paragraph 6e of the order, it is stated that in case, the decision of the civil court goes in favour of HR & CE Department, then the HR & CE Department would be entitled for the said property and the Bank and the borrower also would not have any objection to the same. HR & CE Department may have symbolic possession, however for all practical purposes, the Bank would give on lease the said property.

11. Even in clause 6(c) of the order, it is further stated that only because, We have permitted the bank to give the said property on lease and deposit the proceeds, that would not mean that We have decided about the rights of the Bank and or the HR & CE Department in question, **the same would only depend on the decision given by the civil court, to which the borrower and the HR & CE Department are the parties.** (emphasis supplied)

12. Therefore, in clear and unambiguous terms, the Division Bench, by its order dated 05.04.2024, has given a set of directions, where, it has been



made very clear that the title over the property, whether it belongs to HR & CE /Temple or the private respondents, who are the borrowers under the Bank, who is the petitioner herein, can be decided by the Civil Court in the pending Civil Suit, where, whatever the prayer sought for, in addition to it, amendment of prayer can also be filed by the parties.

13. In so far as the lease proceeds are concerned, as the Court has directed the Bank to lease out the property during the interregnum to the private parties, as the property need not be kept in idle during the interregnum and those lease proceeds can be deposited in the civil suit and the said money can be withdrawn by either the Bank through the private parties or the HR & CE Department, as the case may be, and the same depends upon the decision that can be made in the civil suit.

14. When such a clear order has been passed, unnecessarily, unwantedly, without any reason, ground, the present petitions have been filed by the Bank . Therefore, We deem it appropriate to declare the same, a gross misuse of process of law and wasting the judicial time of this Court. Hence, these petitions are dismissed.

[R.S.K.,J.]

[S.S.A.,J.]

06-02-2026

msr



To

1. The Commissioner
Hindu Religious And Charitable
Endowments Department, No. 129,
Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner Hindu Religious
and Charitable Endowments Department
Vellore Division, Sathuvachari, Vellore.
3. The Assistant Engineer Hindu Religious and
Charitable Endowments Department,
Tiruvallur.
4. The Thakkar Executive Officer,
Sidhi Buddhi Vinayagar Temple
Varadarajapuram, Poonamalee



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