



W.P.No.49627 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 05.01.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.49627 of 2025
and W.M.P.No.55475 of 2025

Narayanan

.. Petitioner

Versus

1. The Commissioner,
The Hindu Religious and Charitable Endowments
Department,
Chennai.
2. The Assistant Commissioner,
The Hindu Religious and Charitable Endowments
Department,
Tiruvallur.
3. The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Temple,
Tirutani.
4. The Inspector,
The Hindu Religious and Charitable Endowments
Department,
Tirutani.
5. The Fit Person,
Arulmigu Subramaniaswamy Temple,
Tirutani.

.. Respondents



W.P.No.49627 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the entire records relating to the order of the 2nd respondent in Na.Ka.En.857/2011/Aa2, dated 26.11.2025 and quash the same in accordance with law.

For Petitioner : Mr.S.Senthilvel

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

ORDER

This Writ Petition is filed challenging the impugned order, dated 26.11.2025.

2. Upon hearing the learned Counsel for the petitioner and perusing the affidavit filed in support of the Writ Petition, the grievance of the petitioner is that the petitioner was a tenant in respect of the property which is admeasuring 532 Sq.ft, which is a portion of the old building at D.No.3, Thiyagaraya Street, Seven Wells, Chennai.

3. *Mr.S.Senthilvel*, the learned Counsel for the petitioner submits that when the petitioner has been paying the rents without issuing any



W.P.No.49627 of 2025

demand whatsoever, suddenly, by obtaining the order in the name of his father who passed away in the year 2003, the petitioner was evicted. Therefore, the learned Counsel for the petitioner submits that the eviction order that was passed in the name of a dead person, is null and void and he should be put back in possession.

4. Per *contra*, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) Department for the respondents, submits that the total arrears of rent amounts to Rs.4,68,352/-. The building is also in dilapidated condition. There were seven tenants occupying the entire building and all of them have now been evacuated. The building is in such a condition that it has to be pulled down immediately and the temple authorities are going to immediately demolish the same and reconstruct thereafter. In view thereof, when notices have been repeatedly served on the petitioner and he has not informed about the death of his father, the petitioner cannot now take advantage of the fact that the order of eviction is in the name of a dead person.

5. I have considered the rival submissions made on either side and perused the material records of the case.



W.P.No.49627 of 2025

WEB COPY

6. As far as the order of eviction is concerned, the petition before the Joint Commissioner (HR & CE) Department, Vellore, was filed in the year 2011, by which time, the petitioner's father, *Krishnamaraj*, had died. Therefore, those proceedings would be null and void. In the normal circumstances, had the petitioner been in possession, an opportunity can be given to the respondent authorities to give fresh notice and conduct an enquiry afresh. However, in this case, possession has already been taken. Now, repossession has to be ordered. But, it can also be seen that the building is in an extreme dilapidated condition and it is also stated that the roof is damaged and the timber rafters are rotten and worn out and the roof is also leaky. The masonry has already become fissured and worn out. The joineries including doors and windows are in bad condition and cracked and worn out. The learned Counsel for the petitioner is not in a position to deny the extreme old condition of the building. Putting the petitioner back in possession will be dangerous for his own life.

7. In view thereof and also considering that the petitioner is also in huge arrears, no further relief can be granted to the petitioner. Accordingly, this Writ Petition stands disposed of. There shall be no order



W.P.No.49627 of 2025

as to costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

05.01.2026

Neutral Citation : no
grs

To

1. The Commissioner,
The Hindu Religious and Charitable Endowments
Department,
Chennai.
2. The Assistant Commissioner,
The Hindu Religious and Charitable Endowments
Department,
Tiruvallur.
3. The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Temple,
Tirutani.
4. The Inspector,
The Hindu Religious and Charitable Endowments
Department,
Tirutani.



WEB COPY



W.P.No.49627 of 2025

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.49627 of 2025
and W.M.P.No.55475 of 2025

05.01.2026