



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 238 of 2026
and
W.M.P.No.282 of 2026**

S.Ganesan

Petitioner

Vs

1. The Executive Officer,
Arulmighu Vellaipillaiyar Thirukoil,
Aathur, Salem District.
- 2.The Joint Commissioner (HR & CE)
Nethimedu, Salem – 2.
- 3.The Commissioner, (HR and CE)
Nungambakkam High Road,
Chennai – 34.
- 4.The Chief Secretary of Tamil Nadu,
Namakkal Kavignar Maligai,
Fort St.George, Rajaji Salai,
Chennai – 600 009.
- 5.Govindaraj

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in connection with order passed by the first respondent by order dated 07.10.2025 and quash the same and to consequently direct the first respondent to lease out



the premises in Door No.960 and 962 in favour of the petitioner under lease agreement by fixing rent as per G.O.No. 296 dated 27.10.2010 issued by the fourth respondent to enable the petitioner to run the hotel business in the name and style of (Sree Gowri Shankar).

For Petitioner: Mr.S.Saravanakumar

For R1 to R4: Mr.K.Karthikeyan,
Government Advocate (HR & CE)

ORDER

The writ petition is filed with a prayer to quash the impugned order dated 07.10.2025 and consequently direct the first respondent to lease out the premises in Door No.960 and 962 in favour of the petitioner under a lease agreement by fixing the rent as per G.O.No. 296 dated 27.10.2010 issued by the fourth respondent to enable the petitioner to run the hotel business in the name and style of Sree Gowri Shankar and to pass such further or other orders.

2. Upon hearing the learned counsel for the petitioner and perusing the affidavit filed in support of the writ petition and the material records of the case, the grievance of the petitioner is that the petitioner's father was a tenant of the temple's property and was running a restaurant in the name and style of Sree Gowri Shankar Hotel. After the death of his father, his elder brother, the fifth respondent in the writ petition, mismanaged the entire affairs. He did not pay the arrears properly and also tried to alter the tenancy in the name of his wife.



The entire act was illegal. Thereafter, he committed further illegality in surrendering a portion of the land to the temple. The petitioner claims a right to run the business of his father. Already, a civil suit is pending between the petitioner and his brother. Under these circumstances, the petitioner is aggrieved by the impugned order refusing to grant the change of name of the lease in favour of the petitioner.

3. It can be seen that after the death of the petitioner's father, the petitioner's brother had even surrendered possession of the premises and now it is claimed by the temple authorities that the possession has already been taken.

4. Under the said circumstances, there is no question of changing the name of the lease. If the petitioner's brother had committed any excess or caused prejudice, it is for the petitioner to proceed against his brother. Vis-a-vis the temple, that is the owner of the property, it can be seen that when month after month no rent was paid, no action was taken by the petitioner at that stage. Now, belatedly, the petitioner seems to have woken up and is contesting that he is ready to pay the arrears. In any event, if he is ready and willing to pay all the arrears, the rules in this regard are framed for the Commissioner to consider such an issue.



5. If the temple is willing and the authorities are inclined to give one more opportunity to the petitioner to pay the entire arrears, the petitioner is entitled to make a representation to the third respondent to determine the arrears and also regularise the lease by making such a prayer by depositing the entire arrears of rent now claimed by the petitioner. The third respondent will be entitled to direct the petitioner to deposit the arrears as determined by him and upon such determination, the prayer of the petitioner shall be considered on merits in accordance with law to continue the tenancy. If the petitioner and his family members deposit the entire arrears of rent, it will not preclude them from participating in the fresh auction also.

6. With the above observations, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

12-01-2026

Neutral Citation: Yes/No
nsl



To

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**D.BHARATHA
CHAKRAVARTHY J.**

ns1

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