



**W.P.(MD)No.18251 of 2026**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.06.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD)No.18251 of 2026**

**and**

**W.M.P.(MD)Nos.13508 and 13510 of 2026**

1.S.Esakkiyammal

2.S.Muthulakshmi

3.S.Krishnaveni

.. Petitioners

- Vs. -

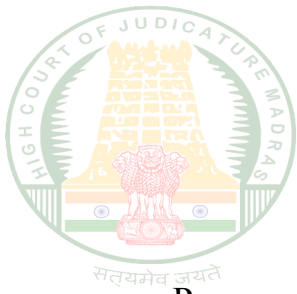
1.The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Chennai - 600 034.

2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Tirunelveli.

3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Nagercoil - 600 002, Kanyakumari District.

4.Parvathipuram Udamoottu Dharmam,  
Represented by the Executive Officer,  
Arulmughu Subramania Swamy Temple,  
Thiruchndur, Thoothukudi District.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notice under Na.Ka.No.1485/2016-8/A3 dated 16.06.2026 issued by the third respondent and to quash the same by allowing the above writ petition.

For Petitioner : Mr.G.Aravinthan  
for M/s.Aran Legal Consultancy

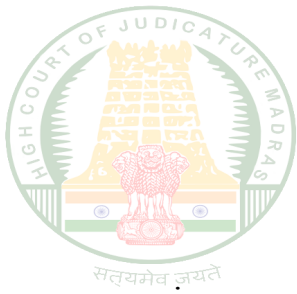
For R1 to R3 : Mr.R.Parthiban  
Government Standing Counsel

For R4 : Mr.M.Muthugeethayan

### **ORDER**

The writ petition has been filed challenging the impugned proceedings dated 16.06.2026.

2. Upon hearing the learned counsel appearing for the petitioners, the learned Government Standing Counsel appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the respondent Temple and perusing the materials available on record, the grievance of the petitioners is that the husband of the first petitioner, who was also the father of the petitioners 2 and 3, was the original tenant of the subject property and, upon his demise, the petitioners succeeded to the tenancy. Since he passed away on 25.11.2023, the



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impugned notice dated 16.06.2026 having been issued in the name of a deceased person, is liable to be set aside. Aggrieved thereby, the petitioners have approached this Court.

3. Per contra, the learned Standing Counsel appearing for the respondent Temple submitted that an order under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 had already been passed on 28.02.2017, at a time when the husband of the first petitioner and the father of the petitioners 2 and 3 was alive. The present proceedings are only consequential execution proceedings for taking possession of the property. It was further submitted that, in respect of the commercial portion of the property, possession has already been secured by locking the premises. As regards the residential portion in the occupation of the petitioners, it was fairly submitted that the notice had inadvertently been issued in the name of the deceased person and that the respondent Temple would issue a fresh notice in the names of the petitioners and proceed with the execution proceedings in accordance with law.



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4. I have considered the rival submissions made on either side and perused the materials available on record.

5. In view of the submission made by the learned Standing Counsel that a fresh notice relating to the execution proceedings will be issued in the names of the petitioners, the said submission is recorded. Consequently, no further relief is required to be granted with respect to the impugned notice dated 16.06.2026.

6. It is open to the petitioners, if they are interested in retaining possession of the property, to approach the respondent Temple by giving an undertaking to pay the arrears and seeking regularisation of their tenancy. If such a representation is made, the respondent Temple shall consider the same on its own merits and in accordance with law. In the event an amicable settlement is arrived at, it is also open to the respondent Temple to reopen the commercial portion of the property.

7. If the petitioners intend to seek regularisation of their tenancy, they shall submit a representation within a period of one week from today. Upon receipt of



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such representation, the respondent Temple shall pass a reasoned order in writing.

Till such decision is taken, no coercive steps shall be taken to dispossess the petitioners. However, in the event the tenancy is regularised, the petitioners shall pay the entire arrears due to the Temple and execute the necessary documents gifting the superstructure, if so required under the applicable scheme, in favour of the respondent Temple.

8. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

NCC : No  
smn2

**25.06.2026**  
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**D.BHARATHA CHAKRAVARTHY, J.**

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