



WA(MD)Nos.2285 to 2288 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WA(MD)Nos.2285 to 2288 of 2025**

**and**

**CMP(MD)Nos.12861, 12863, 12865 and 5917 of 2025**

M.Sivasamy

... Petitioner in all WAs

Vs

1.The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Nungambakkam High Road,  
Chennai – 600 034.

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

3.Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Karur.

4.The Executive Officer,  
Sri Balasubramaniya Temple,  
Kathapparai Village,  
Vennamalai Post, Karur Taluk and District.

... Respondents in all WAs



WA(MD)Nos.2285 to 2288 of 2025

**COMMON PRAYER:** Writ Appeals filed under Clause 15 of the Letters Patent to set aside the order dated 03.07.2025 made in WP(MD)Nos.5906, 5916, 5918 and 5917 of 2025 and consequently allow the writ petitions.

For Appellants : Mr.Raguvaran Gopalan

For Respondents : Mr.P.Subbaraj,  
Special Government Pleader  
for R.1 to R3

Mr.A.K.Sriram,  
Senior Counsel  
for Mr.P.Aathimoola Pandian  
for R.4

[In all the appeals]

### **COMMON ORDER**

These writ appeals are arising out of the common order dated 03.07.2025, passed by the writ court in WP(MD)Nos.5906, 5916, 5918 and 5917 of 2025 respectively.

2.The appellant Sivasamy is running shops and a factory in the name of Shobika Impex Private Limited, manufacturing insecticide mosquito nets, in S.Nos.570, 574 and 577 of Aathur village, Manmangalam Taluk, Karur District. These lands belong to the Arulmigu Balasubramanya Swami Temple, Vennaimalai,



Karur. Though the lands are in the name of temple, pattas were issued during the settlement period in the name of the temple and the service holders as service inam, with certain conditions. However in violation of the said conditions, the lands have been sold to various persons and this appellant is said to have purchased the subject lands in the year 2003 and 2004. The patta was changed in the name of the appellant. However pursuant to the direction of this court in WP(MD)No.64 of 2018, dated 23.10.2019, the Additional District Magistrate / District Revenue Officer, Karur by his proceedings in Na.Ka.No.C3/9012/2013, dated 27.07.2020 has cancelled the patta issued in the name of the appellant and others. This order dated 27.07.2020 passed by the District Revenue Officer, Karur has not been challenged by the appellant and the same became final. The appellant and few others admitting the ownership of the temple land have made a request on 10.06.2020 to the Commissioner, HR and CE Department to permit them to retain the properties by regularising their possession under Section 34 of the HR and CE Act. They claim that they are running business establishment and they are bonafide purchasers of the properties and therefore, they can be considered sympathetically. Since the same has not been considered by the Commissioner, they have approached this court by way of a writ petition in WP(MD)No.7864 of 2020 to consider their representation. This court in WMP(MD)No.5 of 2021 in



WP(MD)No.7864 of 2020 by order dated 09.02.2021 directed the Commissioner, HR and CE Department to consider the petitioner's representation within a period of eight weeks. The commissioner by his proceedings dated 31.05.2021 rejected the request of this petitioner that it cannot be regularised by way of sale. However the Commissioner directed the Joint Commissioner to consider their case for tenancy by fixing fair rent. As against the order passed by the Commissioner, HR and CE Department, the appellant and others have approached the Government by filing a revision petition in the year 2024 under Section 114 of the HR and CE Act and the same was also rejected by order dated 04.12.2024.

3.Pursuant to the order dated 27.02.2020 passed by the Additional District Magistrate / District Revenue Officer, cancelling the patta standing in the name of the appellant, the Executive Officer of Arulmigu Subramaniya Swami Thirukovil, Vennaiimalai filed an application in the year 2020 under Section 78 of the HR and CE Act. Though the appellant was issued summons in the said proceedings, he did not attend the enquiry and therefore, an ex-parte order was passed on 26.11.2021. Subsequently, the appellant filed an application to set aside the ex-parte order and it was allowed on 22.12.2022 and he was provided an opportunity in the enquiry. The appellant again has not appeared. However his counsel has filed a vakalath on



his behalf, but he has not furnished any materials and therefore, based on the available documents the Joint Commissioner, Tiruppur has allowed the said application and passed an eviction order on 03.03.2022 with regard to the properties in S.Nos.239/1B3C. This order dated 03.03.2022 of the Joint Commissioner was not challenged by the appellant and it became final. Therefore an eviction notice was issued on 10.09.2024. Under these circumstances, the appellant through his counsel namely Mr.R.Anbaiya and Mr.D.Ranjith Kumar, has made a request to consider the appellant as lessee or his tenant in S.Nos.239/1B3C and 577 on 17.09.2024 and 02.09.2024 that they are prepared to pay the monthly rent since their client / appellant is not willing to surrender the possession of the property. The relevant paragraph of the legal notice issued on behalf of the appellant dated 17.09.2024 to the Executive Officer of Arulmigu Balasubramania Swamy Thirukovil, which is extracted as under:

*“9. Therefore, our client requests you to kindly consider the case of our client in regard to the notice under reply that he is ready to pay the annual lease for the occupation of the said Ac. 0.20 Cents of land comprised in S.F.No.239/1B3C of Kadhaparai Village, Manmangalam Taluk or monthly rent that would be arrived at by mutual agreement.*



*10. Therefore our client is not willing to surrender possession of the property and expecting a favourable order or reply to arrange for an annual lease or monthly rent whichever is convenient to the department. In spite of this reply, should you take any legal proceedings to recover possession, it will be adequately defended by our client.”*

4. Based on the above proposal, the Joint Commissioner by his letter in Na.Ka.No.7514/2024/A4, dated 01.10.2024 made a request to the Commissioner, HR and CE Department, for fixing fair rent for the properties under occupation of the appellant. The Commissioner, HR and CE Department by his proceedings in Na.Ka.No.913224/2024/M-2, dated 30.12.2024 has permitted the Joint Commissioner of the HR and CE Department to fix the fair rent. Accordingly, fair rent has been fixed by the fair rent fixation committee as under :

| S. No | Village     | Survey No. | Nature of construction   | Extent (Sq.ft) | Monthly rent in Rs. |
|-------|-------------|------------|--------------------------|----------------|---------------------|
| 1     | Kadhapparai | 239/1      | Office                   | 14377          | 9500/-              |
| 2     | Aathur      | 577        | Water purification plant | 2519           | 1550/-              |
| 3     | Aathur      | 577        | Employees Quarters       | 10455          | 6300/-              |
| 4     | Aathur      | 577        | Apartment                | 13846          | 8500/-              |

The above has been communicated to the appellant by the 4<sup>th</sup> respondent Executive Officer vide notice dated 17.02.2025.



5. Under these circumstances, the appellant has filed the above writ petitions as under:

(i) WP(MD)No.5906 of 2025 - seeking a writ of mandamus forbearing the respondents not to take any action without following due process of law in respect of S.No.570 and 574 at Sri Ragaventhra Nagar at Plot No.15 and Plot No.16 at Aathur Village, Poolampadi Village Panchayat, Manmangalam, Taluk, Karur District;

(ii) WP(MD)No.5916 of 2025 - seeking a writ of mandamus forbearing the respondents from taking further action with his proceedings in Miscellaneous Petition No.223/2024/A3, dated 27.09.2024 in respect of S.No.577 Aathur Village, Poolampadi Village Panchayat, Manmangalam, Taluk, Karur District;

(iii) WP(MD)No.5917 of 2025 - seeking a writ of mandamus forbearing the respondents from taking further action with his proceedings in Miscellaneous Petition No.154/2024/A3, dated 27.09.2024 in respect of S.No.577 Aathur Village, Poolampadi Village Panchayat, Manmangalam, Taluk, Karur District; and

(iv) WP(MD)No.5918 of 2025 - seeking a writ of mandamus forbearing the respondents from taking further action with his proceedings in Miscellaneous Petition No.148/2024/A3, dated 27.09.2024 in respect of S.No.577 at Aathur Village, Poolampadi Village Panchayat, Manmangalam, Taluk, Karur District.



6.These writ petitions were dismissed by the writ court by common order dated 03.07.2025, considering the legal notice issued on behalf of the appellant dated 17.09.2024 by his counsel to fix the fair rent and the consequential proceedings.

7.Though the appellant has agreed to pay the rent or lease for the properties in his occupation, the appellant has filed these writ appeals on the ground that the writ court has passed an order directing the appellant to pay the rent while the proceedings under Section 78 of the HR and CE Act with regard to the property in S.No.577 was pending and that the letter of consent of the petitioner was issued under the threat of dispossession and therefore, it cannot be relied upon.

8.The learned Counsel appearing for the 4<sup>th</sup> respondent submits that the patta issued in the name of the appellant has been cancelled and he has also placed certain documents in support of the same.

9.This Court has considered the rival submissions made and perused the materials place on record.



10.The Arulmigu Balasubramany Swami Temple, Vennimalai, Karur is maintained by a Trustee and an Executive Officer. Due to their mismanagement, the lands belonging to the temple to an extent of 507 Acres are still under encroachment. Valuable properties in the midst of Karur city worth about several 1000 crores are still under encroachment and the HR and CE Department as well as the Trustee have not taken any steps to restore these properties.

11.A devotee has approached this Court by way of a public interest litigation wherein this Court has passed an order in WP(MD)No.64 of 2018, dated 23.10.2019 directing the HR and CE Department to restore the temple properties by initiating appropriate action. The orders of this court have not been implemented and therefore, the devotee has filed a contempt application in Cont.P(MD)No.371 of 2024 and the same is pending before this court. Statutory notice was issued to the contemnors. Even thereafter, actions were not taken to implement the orders of this court.

12.The Division Bench of this court has entertained these writ appeals and granted an order of interim stay on 08.08.2025. The pendency of these writ appeals has been taken as a ground by the HR and CE Department in the contempt petition



pending before this court in Cont.P(MD)No.371 of 2024, for not taking action as against the encroachers and therefore, these writ appeals were taken up along with Cont.P (MD)No.371 of 2024 pursuant to the order of the Hon'ble Administrative Judge, dated 11.11.2025.

13. When these writ appeals were taken up for hearing, a written submission has been filed on behalf of the appellant as under:

*36. It is submitted the main ground canvassed in the writ appeal is that the learned single judge could not have directed the appellant to pay rent for the properties during pendency of proceedings under Section 78 of the HR & CE Act. This ground of challenge has now worked itself out as the final order has been issued under Section 78 of HR & CE Act. Thus the writ appeals are infructuous as on date and are liable to be dismissed as such.*

*37. While so in the interregnum, to avoid any eviction/distrain proceedings under Section 78 it is submitted that the appellant is willing to abide by the order of the learned single judge without prejudice to his rights to challenge the order issued under Section 78 of HR & CE Act. Act."*



14. In view of the above stand taken by way of written submission, this court directed the appellant to file an affidavit to that effect. Accordingly, the appellant has also filed an affidavit as under:

*“2. I submit the following without prejudice to the arguments made on my behalf in the instant writ appeals and without prejudice to my right to challenge the orders dated 13.08.2025 in MP Nos. 223,154,148 of 2024 under Section 78 of HR&CE Act in the manner known to law.*

*3. I submit that I am willing to pay the prevailing value for the properties in my possession purchased by me under registered sale deeds situate In S. No. 577 of Aathur Village at the prevailing guideline value Rs.235 as fixed by registration department or prescribed by any appropriate committee. I submit that this may be favourably considered and suitable directions issued to the Commissioner, HR&CE to consider the same and grant NOC in exercise of powers under Section 34 of HR&CE Act and in pursuance of Para 33 of order in WP (MD) 64 of 2018.*

*4. I submit that notwithstanding the above and without prejudice to my rights to challenge the orders under Section 78 by following procedure under Section 79 of HR&CE Act, I am willing to make payment of Rs. 10,00,000/- to the respondent HR&CE*



*department to be held in deposit till disposal of the suit filed by me under Section 79.*

*5. I further submit that in the event that the representation under Section 34 is considered favourably, the amount held in deposit may be adjusted towards the price to be paid towards the value of the property as determined by the Commissioner, HR & CE*

*6. I further submit that in such eventuality I would also withdraw any suit to be filed by me under Section 79 of the HR & CE Act.*

*7. I reiterate that the above is without prejudice to any of my legal rights and without prejudice to the arguments made in the instant writ appeals.*

*It is therefore prayed that this Hon'ble Court may take the above submissions on record and pass such other orders as it deems fit and thus render justice.”*

15.The appellant is said to have purchased the subject temple lands in the year 2003 and 2004 based on the patta, which has subsequently been cancelled by the Additional District Magistrate cum District Revenue Officer, Karur on 22.07.2020. The appellant has entered appearance and during the enquiry before the Additional District Magistrate cum District Revenue Officer, the appellant and



other encroachers have claimed that they have purchased the same as bonafide purchasers, however, they have admitted that the subject property belongs to the temple. Therefore, they have requested for fixing of fair rent enabling them to retain possession of the property.

16.The Additional District Magistrate cum District Revenue Officer, Karur, has cancelled the patta standing in the name of the appellant and other encroachers, after noting that the property is in the name of the temple as per the 'A' Register in the 1912 Inam Fair Register, that patta has been issued to the service holders as service inam with certain conditions by the Settlement Tahsildar and that the subject property has been alienated in violation of the said conditions. This order has not been challenged by the appellant and has become final.

17.This appellant has instead made a request to the Commissioner, HR and CE Department to retain the possession of the subject property by way of sale or long lease under Section 34 of the HR and CE Act and the same was rejected by the Commissioner by order dated 31.05.2021. However the Commissioner has permitted the Joint Commissioner and the Executive Officer of the temple to treat the appellant as a tenant, provided the appellant makes a proposal for the same.



The appellant has also made a request for fixing fair rent through his advocate on 17.09.2024 and 02.09.2024 based on which the orders have been passed fixing fair rent and the same was communicated to the appellant on 17.02.2025.

18.The appellant by filing the above writ petitions and these writ appeals, has dragged on the proceedings, that too, without paying any rent as agreed by him and is now taking a stand that he would deposit a sum of Rs.10 lakh as directed by the writ court and would work out his remedy under Section 79 (2) of the HR and CE Act, as against the orders passed under Section 78 of the HR and CE Act.

19.The appellant has purchased the subject lands by way of sale deeds in 2003 and 2004. After the Division Bench of this court passed orders in WP(MD)No.64 of 2018, dated 23.10.2019, the appellant has openly admitted that the subject land belongs to the temple and has proposed to pay fair rent. The name of the appellant was also removed from the patta by the Additional District Magistrate cum District Revenue Officer on 22.07.2020. He has not challenged this proceeding. Without any valid title, he has managed to remain in possession of temple land even after his name was removed from the patta and he has not even paid the fair rent for the subject property. Therefore, this court is of the view that



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there is no merit in the writ appeals and hence, these writ appeals are liable to be dismissed. Accordingly, these writ appeals are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

**[P.V.,J.] [B.P.,J.]**  
**27.02.2026**

Index : Yes / No  
Internet : Yes

DSK

To

- 1.The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Nungambakkam High Road,  
Chennai – 600 034.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Trichy Division,  
Trichy.
- 3.The Executive Officer,  
A/m Balasubramaniaswamy Temple,  
Vennaiimalai,  
Karur Taluk and District.
- 4.The District Registrar,  
O/o. District Registrar,  
Karur.



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WA(MD)Nos.2285 to 2288 of 2025

**P.VELMURUGAN, J.**

**AND**

**B.PUGALENDHI, J.**

DSK

**WA(MD)Nos.2285 to 2285 of 2025**

**27.02.2026**