



WEB COPY



W.A(MD)No.1711 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.1711 of 2023

and

W.M.P(MD)Nos.13082, 13083 & 2974 of 2025

1.Amshaveni
2.Lekshmi

... Appellants /
Respondents 2 & 3

Vs.

1.C.Bhagavathi

... Respondent /
Petitioner

2.The Joint Commissioner,
HR&CE Department,
Susindram,
Kanyakumari District.

... Respondent /
1st Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 17.08.2023 in W.P(MD)No.16411 of 2017.

For Appellants : Mr.J.Bharathan
for Mr.K.N.Guru

For Respondents : Mr.P.T.Ramesh Raja for R.1



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Mr.J.K.Jeyaseelan
Additional Government Pleader for R.2

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

This writ appeal is directed against the order dated 17.08.2023 made in W.P(MD)No.16411 of 2017 filed by the first respondent herein (C.Bhagavathi). The appellant Amshaveni and the said Bhagavathi are siblings. They are the daughters of one Chellaiah and Lekshmi. Chellaiah was in occupation of the petition mentioned shop belonging to the HR&CE department, Susindram as lessee. Chellaiah is no more. The shop is now in the possession of the appellants, namely, Lekshmi and Amshaveni (daughter and wife).

2.The learned single Judge vide order dated 17.08.2023 had held as follows:

“7. Admittedly the shop belongs to the first respondent HR & CE Department. The petitioner's father was a lessee for over 40 years. On the death of the petitioner's father, the lease would come to an end. The first respondent without cancelling the lease has allowed the petitioner and second and third respondents to continue the shop. It is seen that both the petitioner and



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the second & third respondents have sublet the premises, in such circumstances it is against the terms of lease, then the first respondent is duty bound to terminate the lease and ought to have evicted the premises. But the first respondent has acted in favour of the second and third respondents, but against the petitioner. Literally the first respondent has conducted “Katta Panchayat”. More interestingly the first respondent has acted against the rights of the temple. Once the lease period is over, the shop should be reverted back to the first respondent and the first respondent ought to have conducted fresh auction and grant the shop to the successful bidder. Therefore, the first respondent without carrying out his duty as per law prescribed under the Act or prescribed under any law, the first respondent has over stepped and has conducted Katta Panchayat between the petitioner and the second and third respondents. Also, the first respondent has handed over the keys to the second and third respondents, which can never be accepted at all.

8. Therefore, the first respondent is directed to pay Rs.5,000/- (Rupees Five Thousand only) to the petitioner and the same shall be paid within a period of two weeks from the date of receipt of the copy of the order. The first respondent is also directed to vacate the second and third respondent from the said premises and conduct a fresh auction and the successful bidder shall be granted the said shop. The said exercise shall be completed



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within a period of eight (8) weeks from the date of receipt of a copy of this order.”

3. Admittedly, Amshaveni is also one of the legal heirs of the deceased Chellaiah. If according to the temple / department, the leasehold right will devolve on the legal heirs, then it must devolve on them in equal measure. That does not appear to be the case here. That is why the learned single Judge directed the temple management to bring the shop to public auction. We do not find any ground to interfere with the direction passed by the learned single Judge.

4. This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [R.K.M, J.]
12.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Joint Commissioner,
HR&CE Department,
Susindram, Kanyakumari District.



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AND

R.KALAIMATHI, J.

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