

Subramaniyan Vs The Commissioner

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Court : Chennai

Decided On : Feb-27-2026

Judge : Honourable Mr.Justice D.Bharatha Chakravarthy

Appeal No. : WP/7401/2026

Appellant : Subramaniyan

Respondent : The Commissioner

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY and
W.M.P.No.7954 of 2026 Subramaniyan ..Petitioner Vs

1. The Commissioner, Tamil Nadu HR and CE Department, Chennai-34.
2. The Joint Commissioner, Joint Commissioner Office, Cuddalore.
3. The Assistant Commissioner, Assistant Commissioner Office, Ariyalur.

4. The Executive Officer, Sirukalathur, Senthurai Taluk, Ariyalur District.
..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 order**

passed by the third Respondent in vide impugned order

Na.Ka.No.1090/2024/A5 dated 27.01.2026 and to quash the same and further
directing the Respondents to re-fix the rent and follow the procedures under
Section 34A & B of HR & CE Act. Page1 of 5 For Petitioner: Mr.V.Balamurugan
For Respondents: Mr.S.Ravichandran Additional Government Pleader for R1 to
R4

ORDER

The writ petition is filed to quash the impugned order in Na.Ka.No. direct the
respondents to re-fix the rent and to follow the procedures under Section 34A and
B of the Tamil Nadu Hindu Religious and Charitable Endowments (HR & CE) Act,
1959.

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 is in occupation
of the land by putting up a house property. He has been there for
generations and his father and grandfather used to pay the rent which
was being collected by the temple. While so, when the eviction
proceedings were initiated, when the petitioner approached the
respondents for fixation of fair rent and regularisation of the tenancy, the
fair rent is fixed from the year 2001 retrospectively and therefore the
petitioner is unable to pay the rent now. Consequently, further
proceedings are being taken and therefore the petitioner is before this
Court.

3. Mr.S.Ravichandran, the learned Additional Government Pleader taking notice on behalf of the respondents would submit that in this case an eviction

order has already been passed and the revision is also dismissed. Even at that

stage, when the petitioner wanted to regularise the tenancy, the Commissioner had passed orders fixing the rate for him to pay the arrears due and only if the petitioner pays the rent, the temple is also willing to regularise him as a tenant.

4. In the aforesaid factual circumstances, the learned counsel for the

petitioner submits that the petitioner is not in a position to pay the entire sum in one go. If that be so, the petitioner should have approached the Commissioner by depositing at least a part of the amount and praying for deposit of the balance amount by way of instalments. That not having been done, the petitioner cannot be permitted to challenge the consequential order.

5. This writ petition is accordingly disposed of on the following terms:

The prayer of the petitioner to quash the impugned order cannot be acceded to. However, within two weeks from the date of receipt of a copy of this order, it would be open to the petitioner to approach the Joint Commissioner, namely the second respondent, by a written representation as to how they are willing to clear the arrears and if they are willing to pay some portion of the same and clear the arrears by reasonable instalments and at the same time undertaking to pay the current rent to the temple, the same shall be Page3 of 5

considered accordingly by the Joint Commissioner. Consequently, connected miscellaneous petition is also closed. No costs. 27-02-2026 Neutral Citation: Yes/No NSL To

1. The Commissioner, Tamil Nadu HR and CE Department, Chennai-34.
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3. The Assistant Commissioner, Assistant Commissioner Office, Ariyalur.
4. The Executive Officer, Sirukalathur, Senthurai Taluk, Ariyalur District. Page4 of 5

D.BHARATHA CHAKRAVARTHY, J.

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