

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.17251 to 17253 of 2015

And

M.P.Nos.1 to 1 and 2 to 2 of 2015

V.Ramasamy ... Petitioner in W.P.17251 of 2015
T.Ganapathy ... Petitioner in W.P.17252 of 2015
K.Muthusamy ... Petitioner in W.P.17253 of 2015

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai - 600 034.
 - 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 1.
 - 3.The Special Officer,
Hindu Religious and Charitable Endowments,
Kottai Sivan Koil,
Athur Post,
Salem District.
- ... Respondents in all the W.Ps.

Prayer in W.P.17251 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed notification No.Nil of the 3rd respondent to lease out the Agricultural Land in Public Auction in Pasali No.1425 dt.1.06.2015 in respect of 1 Acre 75 Cents in S.No.171/5=32 Cents, 172/4=89 cents, 172/5=19 Cents and 172/6=35 Cents belongs to the Arulmigu Thirumaleswarar Thirukoil, East Rajapalyam, Gagavalli Tk, Salem District and quash the same in respect of the above survey nos and consequently direct the 3rd respondent to extent the lease for the further period of two years with 10% enhancement of the existing rent for the interest of justice.

Prayer in W.P.17252 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records

pertaining to the notification issued by the 3rd respondent to lease out the agreed with the land in Public Auction in Pasali No.1425 dt.1.06.2015 in respect of 4 Acres 50 Cents bearing S.No.127/2-3.50 Cents and 132/111 Acre totaling 4 Acres 50 Cents belongs to the Arulmigu Thirumaleswarar Thirukoil, East Rajapalayam, Gagavalli Tk, Salem District and quash the same in respect in above survey no.123/8 and consequently direct the 3rd respondent to extent the lease for the further period of two years with 10% enhancement of the existing rent for the interest of justice.

Prayer in W.P.17253 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the notification issued by the 3rd respondent to lease out the agreed with the land in Public Auction in Pasali No.1425 dt.1.06.2015 in respect of 5 Acres 93 Cents bearing S.No.123/8 belongs to the Arulmigu Thirumaleswarar Thirukoil, East Rajapalayam, Gagavalli Tk, Salem District and quash the same in respect in above survey no.123/8 and consequently direct the 3rd respondent to extent the lease for the further period of two years with 10% enhancement of the existing rent for the interest of justice.

For Petitioners : Mr.C.Kalaichelvan

For Respondents : Mr.M.L.Mahendran
Government Advocate

C O M M O N O R D E R

By consent these writ petitions are taken up for final disposal.

2.Petitioners would state that lands admeasuring 19.28 cents belong to Arulmigu Thirumaleswarar Thirukoil, East Rajapalayam, Gagavalli Taluk, Salem District was brought into public auction by the fit person/ Executive Officer. The petitioners also participated in the auction and became successful bidders and possession was handed over to them and the period of lease commence from 12.09.2014. It is the specific case of the petitioner that on account of the belated monsoon, he was not able to make the given land for the purpose of carrying on cultivation and consequently, suffered a great loss. The petitioners would further state that though the period of lease commenced on 12.09.2014, by means of the impugned notice, the said lands were once again brought for auction and challenging the legality of the same, came forward to file these writ petitions.

3.Learned counsel appearing for the petitioners would submit that since the period of lease commence from 12.09.2014, the second and third respondents ought to have atleast granted three months

extension of lease and should also considered plea of the petitioners for extension of lease for a further period of two years and prays for appropriate orders.

4.Per contra, Mr.M.L.Mahendran, learned Government Advocate who accepts notice on behalf of the respondents would submit that in terms of the provisions of the Hindu Religious and Charitable Endowments Act, no extension of lease period can be granted, in and by which petitioner was also not granted extension and since the period of lease ends on 30.06.2015, the present impugned notification came to be passed calling for fresh auction and prays for dismissal of the writ petitions.

5.This Court carefully considered the rival submissions and also perused the materials placed before it.

6.As rightly contended by the learned Government Advocate, in terms of the notification, the period of lease/ licence ends on 30.06.2015 and though it is claimed by the petitioners that the lease period commenced only on 12.09.2014, the fact remains that as per the notification it will expire on 30.06.2015 and therefore, the petitioners as a matter of right cannot claim extension of lease beyond that period. The petitioners in their representation also has pointed out certain defects.

7.In the light of the facts and circumstances, without going into the merits of the claim projected by the petitioners, this directs the second respondent to consider and dispose of the petitioners representations dated 20.04.2015; 25.05.2015, 29.04.2015 and 25.04.2015, in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

8.These writ petitions are disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai - 600 034.

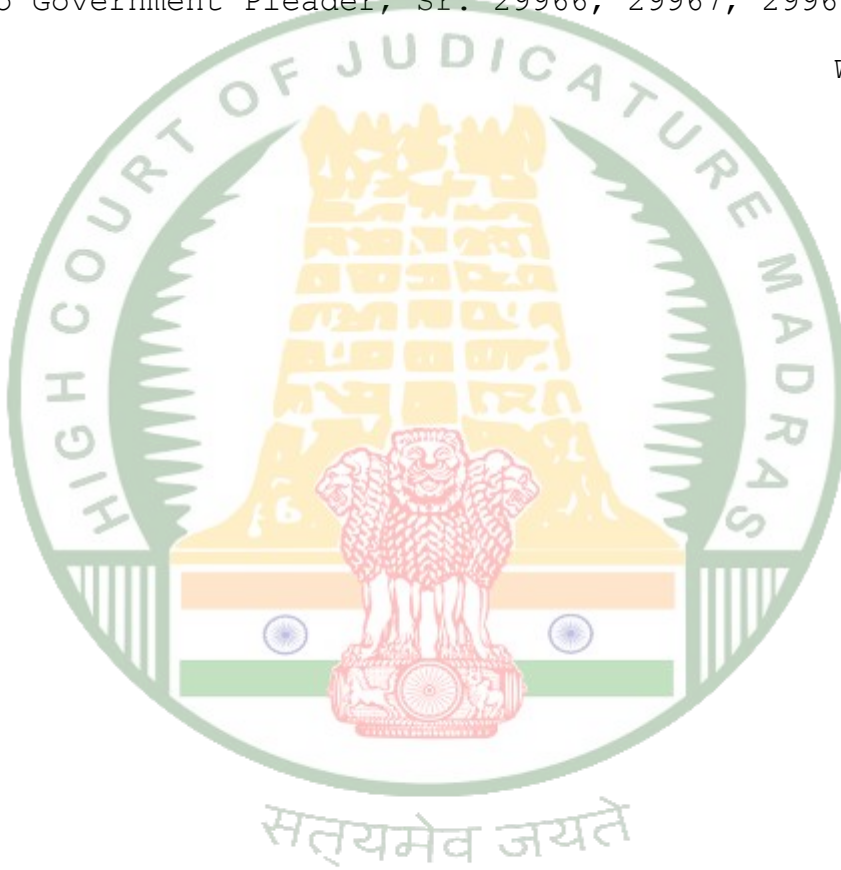
2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 1.

3.The Special Officer,
Hindu Religious and Charitable Endowments,
Kottai Sivan Koil,
Athur Post,
Salem District.

3 ccs to Mr.C.Kalaichelvan, Advocate, Sr. 29652 to 29654
3 ccs to Government Pleader, Sr. 29966, 29967, 29968

W.P.Nos. 17251 to
17253 of 2015
And
M.P.Nos.1 to 1
and
2 to 2 of 2015

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