



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2017

CORAM:

WEB COPY

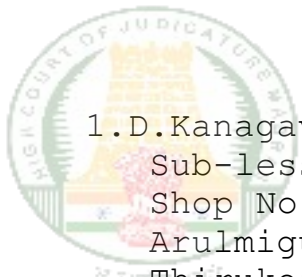
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].Nos.322 to 324 of 2017
and
C.M.P.(MD).Nos.3205 to 3207 of 2017
and
W.P.(MD).Nos.4624 to 4626 of 2017
and
W.M.P.(MD).Nos.3679 to 3681 of 2017

The Executive Officer,
Arulmigu Madanagopalaswamy Temple,
West Masi Street, Madurai I. : Appellant in all Writ Appeals

Vs.

- 1.M.Pandi,
Sub-lessee, Shop No.1, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.
- 2.The Government of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat, Chennai 600 009.
- 3.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.



1.D.Kanagavel,
Sub-lessee,
Shop No.2, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.

WEB COPY

2.The Government of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat, Chennai 600 009.

3.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.

6.Nagarajan,
Lessee, Shop No.2, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.

: Respondents in W.A.(MD).No.323 of 2017

1.K.Saravanan,
Sub-lessee,
Shop No.4, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.

2.The Government of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat, Chennai 600 009.

3.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.



6.J.Ramesh,

Lessee, Shop No.4, West Vadampokke Street,
Arulmigu Madhanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.

: Respondents in W.A.(MD).No.324 of 2017

WEB COPY

PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent against the order dated 17.03.2017 made in W.M.P.(MD). Nos.3679 to 3681 of 2017 in W.P.(MD).Nos.4624 to 4626 of 2017, on the file of this Court.

Prayer in WMP(MD). 3679/ 2017 :

To pass an order of Interim Injunction forbearing the 3rd to 5th respondents from vacating the petitioner from Shop No.1 of the Arulmigu Madhanagopalaswamy Thirukoil Complex, Madurai - 1 pending disposal of the writ petition and thus render justice.

Prayer in WMP(MD). 3680/ 2017 :

To pass an order of Interim Injunction forbearing the 3rd to 5th respondents from vacating the petitioner from Shop No. 2 of the Arulmigu Madhanagopalaswamy Thirukoil complex, Madurai -1 pending disposal of the Writ Petition.

Prayer in WMP(MD). 3681/ 2017 :

To pass an order of interim injunction forbearing the 3rd to 5th respondents from vacating the petitioner from Shop No.4 of the Arulmigu Madhanagopalaswamy Thirukoil complex, Madurai -1 pending disposal of the writ petition.

Prayer in WP(MD). 4624/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 3rd to 5th respondents to forbear from vacating the petitioner from Shop No.1 of the Arulmigu Madhanagopalaswamy Thirukoil complex, Madurai - 1 till the disposal of the Revision Petition pending on the file of the 1st respondent u/s. 114 of Tamil Nadu H.R. & C.E Act 1959 and without due process of law and pass such further or other orders as this Hon'ble Court.

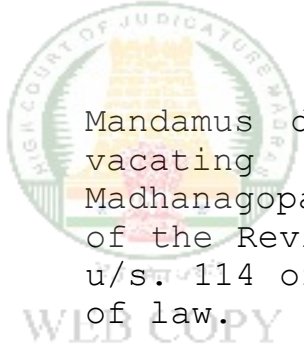
Prayer in WP(MD). 4625/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd to 5th respondents to forbear from vacating the petitioner from Shop No.2 of the Arulmigu Madhanagopalaswamy Thirukoil complex, Madurai -1 till the disposal of the Revision Petition pending on the file of the 1st respondent u/s. 114 of Tamil Nadu H.R. & C.E Act 1959 and without due process

<https://hcservices.courts.gov.in/hcservices/>

Prayer in WP(MD). 4626/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Mandamus directing the 3rd to 5th respondents to forbear from vacating the petitioner from Shop No.4 of the Arulmigu Madhanagopalaswamy Thirukoil complex, Madurai -1 till the disposal of the Revision Petition pending on the file of the 1st respondent u/s. 114 of Tamil Nadu H.R. & C.E Act 1959 and without due process of law.

For Appellant : Mr.S.Manohar
Standing Counsel

For Respondent No.1 : Mr.A.Thirumurthy

For Respondent Nos.2 to 5 : Mr.VR.Shanmuganathan
Special Government Pleader

M.Pandi,
Sub-lessee, Shop No.1, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.
: Petitioner in W.P.(MD).No.4624 of 2017

D.Kanagavel,
Sub-lessee,
Shop No.2, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.
: Petitioner in W.P.(MD).No.4625 of 2017

K.Saravanan,
Sub-lessee, Shop No.4, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.
: Petitioner in W.P.(MD).No.4626 of 2017

Vs.

- 1.The Government of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.



5.The Executive Officer,
Arulmigu Madanagopalaswamy Temple,
West Masi Street, Madurai I.

: Respondent Nos.1 to 5 in W.P.(MD).Nos.4624 to 4626 of 2017

6.Nagarajan,
Lessee, Shop No.1, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.

: Respondent No.6 in W.P.(MD).No.4624 of 2017

6.Nagarajan,
Lessee, Shop No.2, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.

: Respondent No.6 in W.P.(MD).No.4625 of 2017

6.J.Ramesh,
Lessee, Shop No.4, West Vadampokke Street,
Arulmigu Madanagopalaswamy Temple,
Thirukoil Complex, Madurai 1.

: Respondent No.6 in W.P.(MD).No.4626 of 2017

PRAYER:-Writ Petitions are filed under Article 226 of the Constitution of India, directing the respondents 3 to 5 to forbear from vacating the petitioner from Shop Nos.1, 2 and 4 of the Arulmigu Madanagopalaswamy Temple Complex, Madurai I, till the disposal of the Revision Petitions pending on the file of the first respondent under Section 114 of the Tamil Nadu HR&CE Act, 1959 and without due process of law.

For Petitioners	: Mr.A.Thirumurthy
For Respondent Nos.1 to 4	: Mr.VR.Shanmuganathan Special Government Pleader
For Respondent No.5	: Mr.S.Manohar Standing Counsel
For Respondent No.6	: No Appearance

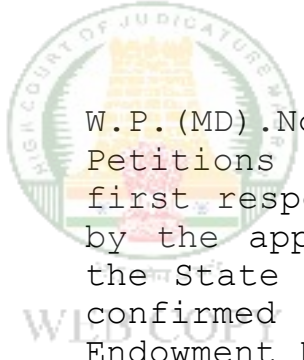
COMMON JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.S.Manohar, learned Standing Counsel appearing for the appellant, Mr.A.Thirumurthy, learned counsel, appearing for the first respondents and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 to 5. By consent, the Writ Appeals and the Writ Petitions are taken up for final disposal at the stage of admission itself.

<https://hcservices.courts.gov.in/hcservices/> For sake of convenience, the parties are referred to as arrayed in the Writ Appeals.

3. These Writ Appeals are directed against the interim order, dated 17.03.2017, made in W.M.P.(MD).Nos.3679 to 3681 of 2017 in



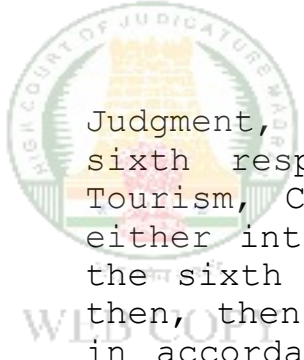
W.P.(MD).Nos.4624 to 4626 of 2017, which was granted in the Writ Petitions filed by the first respondents herein. The case of the first respondents herein is that the lessees of three shops owned by the appellant temple have preferred Revision Petitions before the State Government as against the orders of eviction, which was confirmed by the Commissioner, Hindu Religious and Charitable Endowment Department in R.P.Nos.111, 112 and 114 of 2016.

4. The admitted case of the first respondents is that they are not the tenants of the temple, but, they are the sub-lessees of the temple. The sub-lessees had filed applications along with the lessees during December 2010 to transfer the lease in their names and those applications are kept pending. In the meantime, when there was a threat of eviction, the first respondents filed W.P.(MD)Nos.10226 to 10228 of 2016 with a prayer not to evict them. Initially, an order of status-quo was granted. But, by then, the order of eviction was passed by the Joint Commissioner of Hindu Religious and Charitable Endowment Department, Madurai, as against the lessees, who are impleaded as the sixth respondent in these Writ Appeals. Therefore, the first respondents/sub-lessees withdrew the Writ Petitions filed by them.

5. Now, the case of the first respondents is that the lessee of the temple has filed Revision Petitions before the Government under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 and in those Revision Petitions, the first respondents herein have filed Miscellaneous Petitions seeking impleadment on the ground that they are in actual physical possession of the properties in question.

6. After hearing the learned counsel for the parties and perusing the materials placed on record, we are of the opinion that since the Writ Appeals have been filed as against the interim order passed by the Writ Court and the main prayer sought for in the Writ Petitions also is more or less identical to that of the interim relief sought for, we have directed that the Registry to list the Writ Petitions along with the present Writ Appeals and accordingly, these Writ Appeals as well as the Writ Petitions were taken up together and they are disposed of by means of this Common Judgment.

7. Taking note of the factual situation, we grant six weeks time to the sixth respondents/lessees as well as the first respondents/Sub-lessees to move the Government for appropriate relief. If the Revision Petitions filed by the lessee are in order, the Government shall consider the same and number those applications and also consider the maintainability or otherwise of the Petitions filed by the first respondents/sub-lessees seeking impleadment. Since the order of eviction was passed by the Joint Commissioner, Hindu Religious and Charitable Endowment Department, on 22.06.2016, which was confirmed by the Commissioner, Hindu Religious and Charitable Endowment Department, on 10.08.2016, we grant six weeks time, from the date of receipt of a copy of this



Judgment, to enable the first respondents/sub-lessees and the sixth respondents/lessees to move the Secretary to Government Tourism, Culture and Endowment Department for appropriate orders either interim or final. If the first respondents/sub-lessees and the sixth respondents/lessees are unable to obtain any orders by then, then, it is open to the appellant temple to proceed further in accordance with law. Till the expiry of six weeks period, as fixed by this Court, the interim order of status-quo, which is prevailing as-on-today, shall be maintained by the parties and there shall be no threat of eviction.

8. The Writ Appeals and the Writ Petitions are disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 1.

+One cc to Mr.A.Thirumurthy, Advocate, SR.No.50970

+2ccs to Mr.S.Manohar, Advocate, SR.No.51185

NB

RL/8C/7P/MR/SAR4/27.4.2017

COMMON JUDGMENT MADE IN
W.A.[MD].Nos.322 to 324 of 2017

and
C.M.P. (MD).Nos.3205 to 3207 of 2017
and

W.P. (MD).Nos.4624 to 4626 of 2017
and

W.M.P. (MD).Nos.3679 to 3681 of 2017