

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2194 of 2017
and
W.M.P.No.2167 of 2017

Tagore Matriculation Higher Secondary School
Established and Manager by
Southern Educational and Rural Development Society
Represented by its President
Deviyarkuruchi Post, Attur Taluk
Salem District - 636 112. Petitioner

Vs.

- 1.Hindu Religious and Charitable Endowment Department
Represented by its Commissioner
119, Uthamar Gandhi Salai
Nungambakkam, Chennai - 600 034.
- 2.The Joint Commissioner
Hindu Religious and Charitable Endowment
Administration Department
Salem District, Salem - 01.
- 3.The Executive Officer
Arulmighu Chidhambreswarar Ayyanarappan Thiru Kovil
Deviyarkuruchi Post, Attur Taluk
Salem District - 636 2112.

सत्यमेव जयते ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents, ending with the order of the 1st respondent in No.Mu.Mu.No.50550/2015/V1 dated 09.01.2017 and quash the same and further directing the respondents to consider the case of the petitioner for grant of lease of vacant land in S.F.No.100/10, S.F.No.95/1, S.F.No.217/1B, S.F.No.101/10 and S.F.No.100/11 of Deviyarkuruchi Village, Attur Taluk, Salem District to the petitioner institution subject to any condition which the authority may impose.

For Petitioner : Mr.Kandhanduraisami
For Respondents : Mr.M.Maharaja [For R1&R2]
Special Govt. Pleader [HR&CE]
No appearance

O R D E R

The order of rejection issued by the first respondent in proceedings dated 09.01.2017, rejecting the claim of the writ petitioner to lease the property belongs to the Temple is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the petitioner made a submission that the petitioner institution was established in the year 1996 by Southern Educational and Rural Development Society (Registration No.136/86) with the aim of rendering quality education to the people of remote and rural area. The petitioner institution has more than 5000 students studying in the campus and nearly 500 staff (both teaching and non-teaching staff) are employed in the petitioner institution.

3.The grievance of the writ petitioner is that the property belongs to the Temple is completely surrounded by the Petitioner School property. Therefore, they requested the Temple authority to lease out the property in favour of the petitioner institution, so as to utilize the property as play ground for the purpose of the students studying in the petitioner institution.

4.The authority competent by proceedings dated 09.01.2017 rejected the claim of the petitioner on the ground that it is not in the interest of the Temple to lease out the property in favour of the writ petitioner. The decision was taken considering the overall interest of the Temple by the authorities.

5.The learned counsel appearing on behalf of the petitioner further contended that they are willing and ready to pay the lease rent if any fixed as per the provisions of the Act by the competent authority.

6.This apart the temple authorities have taken a decision not to lease out the property in the interest of the temple and in the interest of the devotees at large.

7.Administrative decision taken by the Temple authorities in this regard becomes final. When there is no arbitrariness or otherwise in respect of the decision taken by the authorities, there is no reason to interfere with such decision by the Courts. When the Temple authorities found that in the interest

of Temple, the property need not be leased out to any private person, then the same to be followed scrupulously.

8. In the present case on hand, the respondents arrived a conclusion that leasing out the property in question to a third person will prejudice the interest of the Temple. Thus, there is no infirmity as such in respect of the decision taken. The petitioner, being an alien to the Temple property, cannot claim lease as a matter of legal right. If at all a decision is taken to lease out the property, then the petitioner also can claim along with other persons, who all are otherwise eligible. However, the authorities have taken a decision not to lease out the property. Thus, the petitioner cannot move the present writ petition, compelling the Temple authorities to lease the land in favour of the writ petitioner. Such a writ petition is absolutely untenable and the writ petitioner has miserably failed to establish a cause of action for the purpose of moving the present writ petition. This apart, the petitioner can never be construed as an aggrieved person. Thus, the writ petitioner has no locus standi to claim that the Temple property should be leased out in his favour by the respondents.

9. This being the factum of the case, the writ petitioner has not established any cause nor established locus standi to claim lease over the Temple property, the writ petitioner cannot be said to be an aggrieved person.

10. For all these reasons, the writ petition is devoid of merits and stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Commissioner

Hindu Religious and Charitable Endowment Department
119, Uthamar Gandhi Salai
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner
Hindu Religious and Charitable Endowment
Administration Department
Salem District, Salem - 01.

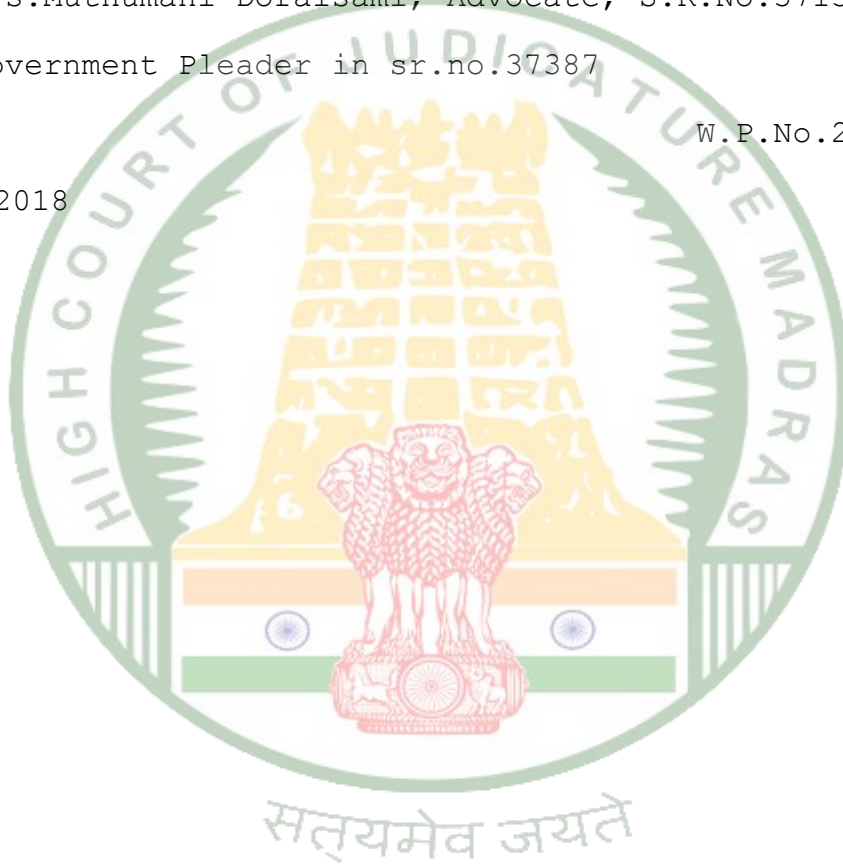
3.The Executive Officer
Arulmighu Chidhambreswarar Ayyanarappan Thiru Kovil
Deviyarkuruchi Post, Attur Taluk
Salem District - 636 2112.

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.37136

+1cc to Government Pleader in sr.no.37387

W.P.No.2194 of 2017

nr 28/06/2018



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