



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) Nos.21982 to 21985, 22372, 22422,
22423, 22063 and 22087 to 22091 of 2017
andWMP(MD)Nos.18292 to 18295, 18678, 18737,
18738, 18378 and 18402 to 18406 of 2017

J.SARAVANAN,S/O.JEYAPANDIAN	... Petitioner in WP(MD). 21982/ 2017
M.SARAVANAN,S/O.MOOKAIAH CHETTIAR,	... Petitioner in WP(MD). 21983/ 2017
YOGAMAHESWARI	... Petitioner in WP(MD). 21984/ 2017
R.T.ARAVIND HARI	... Petitioner in WP(MD). 21985/ 2017
M.SARAVANAN	... Petitioner in WP(MD). 22063/ 2017
R.MAYAVANATHAN	... Petitioner in WP(MD). 22087/ 2017
V.CHANDRASEKAR	... Petitioner in WP(MD). 22088/ 2017
S.REVATHI	... Petitioner in WP(MD). 22089/ 2017
P.CHELLADURAI	... Petitioner in WP(MD). 22090/ 2017
P.MEENAKSHI	... Petitioner in WP(MD). 22091/ 2017
N.SANKARARAMA SUBRAMANIAN	... Petitioner in WP(MD). 22372/ 2017
L.RAVI KRISHNAN	... Petitioner in WP(MD). 22422/ 2017
R.SUBBIAH	... Petitioner in WP(MD). 22423/ 2017

- Vs. -

1 THE JOINT COMMISSIONER HINDU RELIGIOUS CHARITABLE AND ENDOWMENTS
DEPARTMENT, ADMINISTRATION DEPARTMENT, TIRUNELVELI
2 THE ASSISTANT COMMISSIONER HINDU RELIGIOUS CHARITABLE AND
ENDOWMENTS DEPARTMENT, TIRUNELVELI
3 THE EXECUTIVE OFFICER ARULMIGU VAIGUNTAPATHI THIRUKOVIL,
THOOTHUKUDI, THOOTHUKUDI DISTRICT
... Respondents in WP(MD)Nos.21982 to 21985 / 2017

1.THE JOINT COMMISSIONER,
HINDU RELIGIOUS CHARITABLE AND ENDOWMENTS DEPARTMENT,
ADMINISTRATION DEPARTMENT, TIRUNELVELI.



2 THE ASSISTANT COMMISSIONER HINDU RELIGIOUS CHARITABLE AND
ENDOWMENTS DEPARTMENT, TIRUNELVELI.

3 THE EXECUTIVE OFFICER ARULMIGU VAIGUNTAPATHI THIRUKKOVIL,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

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... Respondents in WP(MD). 22063/ 2017

1.THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
NUNGAMBAKKAM HIGH ROAD, CHENNAI

2 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
TIRUVANANTHAPURAM ROAD., PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

3 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
ALAGESAPURAM MAIN ROAD, THOOTHUKUDI.

4 THE EXECUTIVE OFFICER ARULMIGHU VAIGUNDAPATHY THIRUKOVIL,
THOOTHUKUDI - 2

... Respondents in WP(MD)Nos.22087 to 22091/2017

1 THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
NUNGAMBAKKAM HIGH ROAD, CHENNAI

2 THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
TIRUVANANTHAPURAM ROAD., PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

3 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
ALAGESAPURAM MAIN ROAD, THOOTHUKUDI.

4 THE EXECUTIVE OFFICER ARULMIGHU VAIGUNDAPATHY THIRUKOVIL,
THOOTHUKUDI - 2

... Respondents in WP(MD). 22372 and 22422/ 2017

1 THE COMMISSIONER HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT, NUNGAMBAKKAM HIGH ROAD, CHENNAI.

2 THE JOINT COMMISSIONER HINDU RELIGIOUS AND CHARITABLE AND
ENDOWMENTS, TIRUVANANTHAPURAM ROAD, PALAYAMKOTTAI, TIRUNELVELI
DISTRICT.

3 THE ASSISTANT COMMISSIONER HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPARTMENT, ALAGESAPURAM MAIN ROAD, THOOTHUKUDI.

4 THE EXECUTIVE OFFICER ARULMIGHU VAIGUNDAPATHY THIRUKOVIL,
THOOTHUKUDI -2.



5 AJITH THE EXECUTIVE OFFICER, ARULMIGHU VAIGUNDAPATHY THIRUKOVIL,
THOOTHUKUDI -2.

... Respondents in WP(MD). 22423/ 2017

Prayer in WP(MD). 21982/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus calling for the records pertaining to the impugned order issued by the 1st respondent in his in Miscellaneous Petition No.33/2016/A2 dated 31.10.2017 and quash the same and consequently forbearing the respondents from in any manner dispossessing the petitioner from his Shop No.8/8, situated at North Sambanthamoorthy Street, Thoothukudi District.

Prayer in WP(MD). 21983/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the 1st respondent in his in Miscellaneous Petition No.34/2016/A2 dated 31.10.2017 in M.P.No.34/2016 and quash the same and consequently forbearing the respondents from in any manner dispossessing the petitioner from his Shop No.4-B, situated at North Sambanthamoorthy Street, Thoothukudi.

Prayer in WP(MD). 21984/ 2017 :

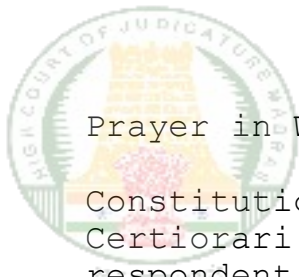
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus calling for the records pertaining to the impugned order issued by the 1st respondent in his in Miscellaneous Petition No.32/2016/A2 dated 31.10.2017 and quash the same and consequently forbearing the respondents from in any manner dispossessing the petitioner from his Shop No.4-C and D, situated at North Sambanthamoorthy Street, Thoothukudi District.

Prayer in WP(MD). 21985/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the 1st respondent in his Miscellaneous Petition No.26/2016/A2 dated 31.10.2017 in M.P.No.26/2016 and quash the same and consequently forbearing the respondents from in any manner dispossessing the petitioner from his Shop No.4-a, situated at North Sambanthamoorthy Street, Thoothukudi.

Prayer in WP(MD). 22372/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for the impugned order passed by the 2nd Respondent in M.P.No.28 of 2016 dated 23.10.2017 in respect of the building situated at Door No.8/2, North Sambanthamoorthy Street, Thoothukudi District and to quash the same as illegal.



Prayer in WP(MD). 22422/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for the impugned order passed by the 2nd respondent in M.P.No.39 of 2016 dated 31.10.2017 in respect of the building situated at Door No.8/3, North Sambanthamoorthy Street, Thoothukudi, Thoothukudi District and to quash the same as illegal.

Prayer in WP(MD). 22423/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the impugned order passed by the 2nd Respondent in M.P.No.31 of 2016 dated 31.10.2017 in respect of the building situated at Door No. 8/5, North Sambanthamoorthy street, Thoothukudi, Thoothukudi District and quash the same as illegal.

Prayer in WP(MD). 22063/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the 1st respondent in his Miscellaneous Petition No. 38/2016/A2 dated 30.10.2017 in M.P.No. 38/2016 and quash the same and consequently forbearing the respondents from in any manner dispossessing the petitioner from his House in Door No.5, situated at North Sambanthamoorthy Street, Thoothukudi.

Prayer in WP(MD). 22087/ 2017 :

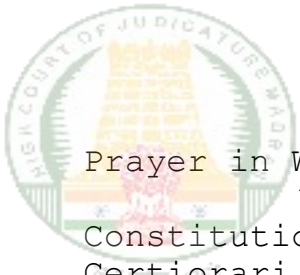
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order in m.p.no.27 of 2016 dated 31.10.2017 passed by the second respondent in respect of the building situated at door no. 6 north Sambandamoorthi street, Thoothukudi, Thoothukudi district and quash the same.

Prayer in WP(MD). 22088/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order in m.p.no.29 of 2016 dated 31.10.2017 passed by the second respondent in respect of the building situated at door no. 8/4, north Sambandamoorthi street, Thoothukudi, Thoothukudi district and quash the same.

Prayer in WP(MD). 22089/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order in m.p.no.30 of 2016 dated 31.10.2017 passed by the second respondent in respect of the building situated at door no. 4H/2, north Sambandamoorthi street, Thoothukudi, Thoothukudi district and quash the same.



Prayer in WP(MD). 22090/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order in m.p.no.35 of 2016 dated 31.10.2017 passed by the second respondent in respect of the building situated at door no. 4/G north Sambandamoorthi street, Thoothukudi, Thoothukudi district and quash the same.

Prayer in WP(MD). 22091/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order in M.P.No. 36 of 2016 dated 31.10.2017 passed by the second respondent in respect of the building situated at door No. 4H, North Sambandamoorthi Street, Thoothukudi, Thoothukudi District and quash the same.

For Petitioner: Mr.T.Arul

For Mr.A.R.Kannappan

(in WP(MD)No.21982 to 21985/2017 and 22063/2017)

: Mr.K.R.Laxman

(in WP(MD)Nos.22372,22422 and 22423/17)

:Mr.N.krishnaveni,

(Senior Counsel)

For P.Thiagarajan

in WP(MD)Nos.22087 to 22091)

For Respondent 1 and 2 :Mr.J.Padmavathi devi,

Special Government Pleader

(in WP(MD)No.21982 to 21985/17)

For RR1 to 3

(in WP(MD)Nos.22372,22422 and
22423/2017 and 22087 to 22091/2017)

For Respondent No.3

in WP(MD)Nos.21982 to 21985/2017 and 22063/17:Mr.Muthugeethaiyan

For Respondent No.4

in WP(MD)Nos.22372,22422/17 and 22087 to 22091/2017

Mr.R.Jegadeeswaran, Advocate Commissioner

(in WP(MD)Nos.21982 to 21985/2017)

M/s. M. Anbarasi, Advocate Commissioner

(in WP(MD)Nos.22372/2017,22422 and 22423/2017)



Mr.M.Dinesh, Advocate Commissioner
(in WP (MD) Nos.22087 to 22091/2017 and 22063/2017)

COMMON ORDER

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These writ petitions have been filed challenging the notices issued under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, seeking eviction of all the petitioners and other tenants from the property belongs to Arulmigu Vaiguntapathi Thirukkivil, Thoothukudi. The above eviction notices have been issued on the ground that the HR & CE authorities are going to construct a Rajagopuram, Vaganapirai, Madapalli and staff quarters, in the area under the petitioners' occupation. Even though the notices have been challenged on various grounds, according to the learned Senior Counsel appearing for the petitioners, the petitioners apprehend that the authorities are not intended to construct Rajagopuram, Vaganapirai etc., but, under the guise of constructing Rajagopuram and doing other developmental work, they have issued impugned notices only to evict the petitioners.

2.The fourth respondent, Executive Officer has filed a detailed counter affidavit, wherein it is stated that there are 34 properties let out by the temple on lease, out of which, 20 properties are residential houses and 14 are commercial shops. Except the property in the backside of the temple, all other 30 properties are going to be utilised for the purpose of proposed construction of Rajagopuram, Vaganapirai and other developmental activities. Out of 34 lessees, 14 persons have refused to hand over the possession, 6 persons are ready to hand over possession, 2 tenants have given letter of consent to hand over the possession, four person have orally informed that as and when the proposed extension activities are carried out, they will hand over the possession, 3 tenants have already vacated the premises and remaining persons have filed writ petitions before this Court.

3.Today, the third respondent/Executive Commissioner, Thoothukudi has filed an undertaking affidavit, wherein, at paragraphs - 11 and 12, it is stated as follows:

"11.I state that after the completion of soil test the procedure contemplated under the rules namely the Management and Preservation of properties of Religious Institution Rules, have to be complied with, wherein the submission of plans and getting sanction from the commissioner. HR & CE and other competent authorities is stipulated therein, for which I request this Hon'ble Court to grant three months time.

12.I state that after the completion of the procedures contemplated in the above said Rules, the proposed constructions of Rajagopuram, Vaganapirai, Madapalli, staff quarters and utility area for devotees, to carry out the above said proposed constructions in the temple property and for which I request this Hon'ble Court to



grant two years time to complete the above said proposed constructions."

4. Apart from that, the Joint Commissioner, HR & CE Department, has also filed a report dated 08.02.2018 stating that the HR & CE Department is proposed to construct Rajagopuram and other developmental works as stated above, for which, all the poojas have already been completed and now they are proposed to Construction to do the works.

5. In view of the above undertaking given by the authorities that they are proposed to construct Rajagopuram and other developmental works for the temple, the apprehension of the petitioner is not well founded. Further, on instructions from the petitioners, the learned Senior Counsel appearing for the petitioners fairly submitted that since the properties in dispute are required for the development of the temple, they are willing to vacate the premises. But, since they have been living in the property for a long number of years, they required some time to vacate the premises.

6. In the above circumstances, the petitioners are given six months time to vacate the premises and the petitioners are directed to vacate and hand over the key to the third respondent on or before 31.08.2018 and after the petitioners are vacating the premises, as per the undertaking given by the respondents, they are directed to proceed with the construction.

7. With the above observations, these writ petitions are disposed of. No costs. Consequently, WMP(MD)Nos.18292 to 18295, 18678, 18737, 18738, 18378 and 18402 to 18406 of 2017 are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious Charitable and Endowments Department, Chennai.
2. The Joint Commissioner,
Hindu Religious Charitable and Endowments Department,
Administration Department,
Tirunelveli.
3. The Joint Commissioner,
Hindu Religious Charitable and Endowments Department,
Trivandram Road, Tirunelveli District.
4. The Assistant Commissioner,
<https://hcservices.ecourts.gov.in/hcservices/>
Hindu Religious Charitable and Endowments Department,
Tirunelveli.



5. The Assistant Commissioner,
Hindu Religious Charitable and Endowments Department,
Alagapuram Main Road, Thoothukudi.

+5cc to Mr.P.THIAGARAJAN, Advocate, SR. 47580, 47581, 47582, 47583, 47584

+1cc to Mr.M.MUTHUGEETHAYAN, Advocate, SR.47631

+1cc to Mr.A.R.KANNAPPAN, Advocate, SR.47496

W.P. (MD) Nos.21982 to 21985, 22372, 22422,
22423, 22063 and 22087 to 22091 of 2017
09.02.2018

MJ

KK/SV MMS/SAR 4/08.03.2018/ 8P- 13C/