

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No.4694 of 2018

and

W.M.P. No.5801 of 2018

V.Vasanthi

...Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment, Villupuram,
Tamil Nadu.

2.The Executive Officer,
Arulmigu Varadaraja Perumal Thirukoil,
Kolianur, Villupuram District,
Tamil Nadu.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari,
calling for the records on the file of the Second Respondent
herein in letter dated 18.01.2018 and quashing the same.

For Petitioner : Mr.P.Suresh

For Respondent : Mr.M.Maharaja,
Special Government Pleader.

O R D E R

The Petitioner has filed the Writ Petition challenging
the order dated 18.01.2018 passed by the Second Respondent.

2. The father-in-law of the Petitioner, viz., Mr. M. Janakiraman, was granted lease of the properties in Kolianur Village, Villupuram District belonging to the Temple of the Second Respondent, viz., Arulmigu Varadaraja Perumal Thirukoil, Kolianur Village, Villupuram District. The said M. Janakiraman and the Temple of the Second Respondent entered into a registered lease-deed dated 17.07.1995 for a period of five years from 13.11.1995 to 12.11.2000. After the expiry of the said lease, the said M. Janakiraman died on 13.10.2001. It is claimed by the Petitioner that she continues to occupy the said property in which her father-in-law was lessee and has been paying the lease amount to the Second Respondent thereafter.

3. The Second Respondent by letter dated 18.01.2018 informed the Petitioner that in violation of rules, the Petitioner had been cultivating sugarcane crops instead of food crops in the property and was liable to pay one-fourth of the value of the produce through the sugar factory where the harvested sugarcane was processed by the Petitioner. A sum of Rs.29,325/- by way of demand draft No. 525779 dated 27.12.2017, which has been given by the Petitioner, was returned to her as it was not in accordance with the rules. It is further informed thereon that in respect of the Fasali 1428 (from July 2018 to June 2019), the auction of the agricultural land was proposed to be held in the May 2018. At that stage, the Petitioner has filed the Writ Petition challenging the aforesaid letter dated 18.01.2018.

4. In the affidavit filed in support of the Writ Petition, it is contended by the Petitioner that she requires further time of eight to ten months to harvest the sugarcane crops and that the proposed auction of the agricultural land on 20.09.2017 should be deferred. It is also contended by the Petitioner that without terminating the lessee in accordance with the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, no auction of the property could be conducted.

5. The Second Respondent has filed Counter Affidavit contending that after the demise of the said M. Janakiraman, no agreement of lease in respect of the property had been entered with the Petitioner and as she has been in illegal occupation of that property, she cannot claim any right of tenancy over the said property. It is also pointed out that amount of Rs.29,325/- as rental dues was a self serving claim made by the Petitioner without any basis showing its calculation and the Petitioner has not given any accounts for the value of the sugarcane harvested in the agricultural land belonging to the Second Respondent. It has also been mentioned that the auction proposed to be held on 20.09.2017 had not taken place as no bidder participated at that time.

6. Having regard to the aforesaid contentions of the parties, it is evident that the Petitioner does not have any valid lease agreement executed by the Second Respondent in her favour for the agricultural lands in her occupation. This would mean that the Second Respondent is absolutely justified in claiming the right to auction the properties by way of fresh lease.

7. It is seen from the records that the Writ Petition has been filed on 21.02.2018 and the required time of ten months sought by the Petitioner has also lapsed in December 2018. Further, the auction that was conducted on 20.07.2019 had not

taken place due to non-participation of any bidder.

8. In view of the subsequent developments, the Petitioner cannot have any claim to occupy the property without any legal right. In other words, it is now open to the Respondents to proceed further to grant the lease to any eligible person for cultivation in accordance with law by conduct of public auction and it is open to the Petitioner to participate in the same, if she is otherwise eligible. It is also made clear that if the Petitioner fails to vacate from the property, the Respondents are at liberty to evict from the property in accordance with law.

9. Accordingly, the Writ Petition is dismissed with the aforesaid observations. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rkp

To

- 1.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment, Villupuram,
Tamil Nadu.
- 2.The Executive Officer,
Arulmigu Varadaraja Perumal Thirukoil,
Kolianur, Villupuram District,
Tamil Nadu.

+1cc to Mr.P.Suresh, Advocate SR.No.61787

+1cc to Government Pleader SR.No.61520

W.P. No.4694 of 2018

RK(CO)
GMY(13/09/2019)