BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.11.2019
CORAM:
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ
W.P.(MD) No.22636 of 2019
and
W.M.P.(MD).No.19387 of 2019

T.Mahalakshmi ... Petitioner

vs.

1.The Commissioner
Hindu Religious and Charitable Endowment Department
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner
Hindu Religious and Charitable Endowment Department
52A/1, Joint Commissioner Office
Trivandrum High Road,
Palayamkottai,
Tirunelveli- 627 002.

3.The Tahsildar,
Veerakeralampudur Taluk,
Veerakeralampudur
Tirunelveli District.

4.The Executive Officer,
Arulmigu Navaneethakrishnaswamy Thirukoil,
Veerakeralampudur
Tirunelveli District.

5.The Hereditary Trustee,
Arulmigu Navaneethakrishnaswamy Thirukoil,
Veerakeralampudur
Tirunelveli District. ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent herein to accept the Annual Lease Tax amount of Rs.36,000/- for the current Fasli year 1429 on behalf of the petitioner's mother (late) Natchathiram @ Shanmugathai and issue Tax Receipt to the petitioner by considering her representation dated 03/10/2019.

For Petitioner : Mrs.P.Kalaiyarasi Bharathi

For Respondents : Mr.V.R.Shanmuganathann
Special Government Pleader for RR-1 & 2
Mr.J.Gunaseelan Muthaiah,
Addl. Govt. Pleader for R-3
Mr.T.S.R.Venkatramana for RR-4 & 5

O R D E R

This writ petition has been filed for issuance of a direction, directing the 4th respondent herein to accept the Annual Lease Tax amount of Rs.36,000/- for the current Fasli year 1429 on behalf of the petitioner's mother (late) Natchathiram @ Shanmugathai and issue Tax Receipt to the petitioner by considering her representation dated 03/10/2019.

2.The petitioner claims that her mother is a lease holder/cultivating tenant in respect of 5 acres of punja land belonging to the 4th respondent temple in Sy.No.15/3, Veerakeralampudur, Tirunelveli District. Her mother was paying the rentals properly. During the year 2008, a dispute arose between the petitioner and the fifth respondent/Hereditary Trustee of the temple. Therefore, he attempted to take away the land from the petitioner's mother. Hence, her mother has filed a suit in O.S.No.2/2008 which was dismissed for default. Thereafter also, the petitioner's mother continued to be in possession of the property. After the demise of her mother, the petitioner sent for a sum of Rs.36,000/- being the lease amount for the temple, but it was returned. Aggrieved over the same, the petitioner is before this Court for a direction directing the temple to receive the lease tax amount for the current fasli year 1429.

3.On notice, the learned counsel for the respondent temple appeared before this Court and submitted that the land was not given on lease to the petitioner's mother and it was only licensed and every year, auction was conducted in respect of the land. On 12.09.2018, license was granted in favour of the petitioner's mother for a sum of Rs.31,870/- and after that, for the next year, i.e for the fasli year 1429, a public auction was ccnducted on 20.06.2019. On that date, nobody participated in the tender proceedings. While that being so, the petitioner sent a sum of Rs.36,000/- as lease amount. The tender made by the petitioner cannot be accepted without conducting auction. On getting instructions from the Joint Commissioner in respect of tender proceedings, they would conduct public auction for the land. Even though the mother of the petitioner is no more, it is stated by the respondents that the petitioner can participate in the auction and that the proceedings will be conducted equitably and uninfluenced by the above proceedings. If the petitioner becomes successful bidder, the land will be given on license to her.

4.Heard the submissions made on behalf of both sides and perused the records carefully.

5.Considering the factual submissions, a direction is given to the petitioner to participate in the ensuing auction to be conducted by the 4th and 5th respondents and the respondents are directed to treat the petitioner, as undertook by them, equitably and uninfluenced by the writ proceedings before this Court.

6.The writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

vs

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Veerakeralampudur Taluk,
Veerakeralampudur
Tirunelveli District.

+1 CC to M/s.P. KALAIYARASI BHARATHI, Advocate (SR-97922[F] dated 13/11/2019)
+1 CC to M/s.T.S.R. VENKATRAMANA, Advocate (SR-97938[F] dated 13/11/2019)
+1 CC to M/s.GP (SR-99033[F] dated 18/11/2019

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