



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 24.03.2020
CORAM**

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P. (MD)No.6046 of 2020
and
W.M.P. (MD)No.5210 of 2020**

M.Mohan

... Petitioner

Vs.

1.The Fit Person / Trustee

Arulmighu Kulandai Vinayagar Thirukoil,
Kulathur, Vilathikualm Taluk,
Tuticorin District.

2.The Commissioner,

H.R. & C.E. Board,
Chennai - 600 034.

3.The Assistant Commissioner,

H.R. & C.E. Board,
Tuticorin - 628 003.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to grant the lease of land in S.No.221 measuring 49.6 acres and situated in Kulathur South Village, Vilathikulam Taluk, Tuticorin District for a further period of 6 years on the terms which this Hon'ble Court may deem fit and reasonable in consideration of petitioner's representation dated 20.06.2019.

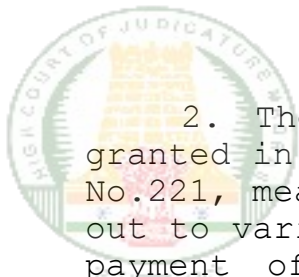
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Muthu Geethaiyan
for R1

: Mr.V.R.Shanmuganathan
Special Government Pleader
for R2 & R3

ORDER

This writ petition has been filed to direct the respondents to grant the lease of land in S.No.221, measuring 49.6 acres, situated in Kulathur South Village, Vilathikulam Taluk, Tuticorin District, for a further period of 6 years, by considering his representation, dated 20.06.2019.



2. The petitioner is an existing lessee and lease has been granted in favour of the petitioner in respect of the land in Survey No.221, measuring about 49.60 acres. Earlier, the said land was let out to various persons, but, those persons were committed default in payment of rent and as such, the temple was suffering without sufficient income. In the said premises, the respondent Authorities cleared the lands from encroachment and brought it for auction in the year 2013. Since the period is going to be expired and the said land is not fit for agricultural cultivation, it can be only used for salvation plant, hence, the petitioner has not used the land. However, the petitioner paid the rent to the respondent temple regularly. He wants to use the land as a salvation plant. Therefore, the petitioner made a representation, dated 20.06.2019, seeking lease for a further period of six years. Since the same has not been considered so far, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly the land in question is an agricultural land belonging to the Hindu Religious and Endowment Department, Virudhunagar. Further, the land cannot be used for agricultural purpose and the petitioner can utilise the land for salvation plant and therefore, he submitted a representation dated 20.06.2019, to the respondents seeking lease for a further period of six years. However, till date the said representation of the petitioner, dated 20.06.2019, was not considered. Hence, the present writ petition came to be filed by the petitioner.

4. Though the petitioner seeks larger relief, at the time of arguments, the learned Counsel appearing for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 20.06.2019, is disposed of, on merits, as expeditiously as possible.

5. The learned Special Government Pleader appearing for the Respondents 2 and 3 would submit that as per the proceedings of the Hindu Religious and Charitable Endowment Department, the 1st respondent leased out the immovable property and no person has right to continue the lease, beyond the lease period and after the expiry of the lease period, the party should hand over the land and therefore, the prayer sought for by the petitioner cannot be maintainable.

6. The learned counsel appearing for the first respondent temple would submit that the first respondent already considered that since the land is not fit for agricultural purpose, it can be conferred into salt plant and the petitioner shall participate in the auction for the purpose mentioned by him.



7. In view of the submissions made by the learned Special Government Pleader appearing for the respondents 2 and 3 that once the lease period is expired, the petitioner have no enforceable right to continue beyond the lease period. Hence, the prayer sought for in the writ petition cannot be considered.

8. In the result, this Writ Petition stands dismissed. However, the petitioner is at liberty to participate in the public auction to be conducted by the Temple. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Fit Person / Trustee
Arulmighu Kulandai Vinayagar Thirukoil,
Kulathur, Vilathikualm Taluk, Tuticorin District.

2.The Commissioner,
H.R. & C.E. Board, Chennai - 600 034.

3.The Assistant Commissioner,
H.R. & C.E. Board, Tuticorin - 628 003.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-12957[F] dated
24/03/2020)

W.P. (MD)No.6046 of 2020
24.03.2020

SDS (17.06.2020) 3P-5C