



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2020

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8802 of 2020

A.M.Sundaravel

... Petitioner

Vs.

- 1.The Principal Secretary,
Hindu Religious and Charitable Endowments Department,
State of Tamil Nadu,
Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli District,
Tirunelveli.
- 4.The District Collector,
Tirunelveli District,
Tirunelveli.
- 5.The Executive Officer,
Gomathiambal Sametha Thiripurantheeswarar (Sivan) Temple,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to strictly follow the Mandatory procedures prescribed under Sections 10 and 34(1) of Hindu Religious and Charitable Endowments Act, at the time of lease process in respect of the property to the extent of 8 cents at Murugankurichi Bus Stop, Palayamkottai, Tirunelveli District belongs to Gomathiambal Sametha Thirupurantheeswarar (Sivan) Temple, Palayamkottai, Tirunelveli District and consequently directing the Respondents to submit the lease process conducted in the month of January in respect of the said Temple land by considering the Petitioners representation dated 16.06.2020.



Petitioner : Not connected
For Respondents 1 to 4 : Mr.VR.Shanmuganathan
Special Government Pleader
For 5th Respondent : Mr.H.Arumugam

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O R D E R

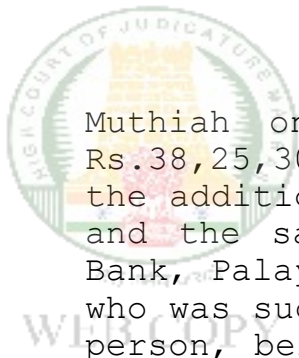
[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

The petitioner/party-in-person is not connected. The petitioner/party-in-person in the affidavit filed in support of the petition, which is styled as a Public Interest Litigation, would aver among other things that he is a retired Government Servant and according to him, the land admeasuring an extent of 8 cents at Murugankurichi Bus Stop, Palayamkottai, Tirunelveli District belongs to the temple, namely, Arulmighu Gomathiambal Sametha Thiripurantheeswarar Temple and it is a vacant land and it has been leased out in favour of one Mr.Muthiah for a sum of Rs.37,00,000/- with the monthly rent of Rs.1,55,000/-.

2.It is the specific case of the petitioner that the person, who took the land for lease, sub-leased it to a person, who belongs to another religion and that apart, the process of auction is also not fair and in this regard, he has submitted a representation dated 16.06.2020 and despite receipt of acknowledgment, no order has been passed and hence, he is constrained to approach this Court with this Writ Petition.

3.Mr.VR.Shanmuganathan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 4 and Mr.H.Arumugam, learned counsel, accepts notice on behalf of the 5th respondent.

4.The written instruction of the 5th respondent has been filed, wherein it has been stated among other things that the land in Survey No.1915/3 at Palayamkottai Murugan Kurichi - Trivandrum Road was in occupation of Arulmighu Gomathiambal Sametha Thirupurantheeswarar Temple and to augment the income of the temple, the lease of the land was auctioned and the auction was knocked down in favour of one Muthiah on a monthly lease/licence amount of Rs.1,55,000/- and the lease/licence is for three years and every year, it will be increased by 5% and in this regard, necessary approval has been accorded by the Commissioner, Hindu Religious and Charitable Endowments Department vide O.Mu.No.1046/2020/Vi.3 dated 31.01.2020 and an agreement was also entered into with the said



Muthiah on 21.02.2020 and the bidder also deposited a sum of Rs.38,25,300/- representing the 24 months lease amount apart from the additional deposit of Rs.4,00,000/-, aggregating Rs.42,25,300/- and the same has been deposited in the Temple Account of Canara Bank, Palayamkottai. It is also specifically denied that the person, who was successful in getting the lease, sub-leased it to some other person, belonging to some other religion and it is further informed that necessary conditions have been incorporated in the agreement that no unlawful activities should be carried out in the said land and periodical inspections will be conducted by the temple officials. The proceedings of the Commissioner, HR & CE has also been enclosed along with the said written instruction. The written instruction is placed on record.

5.In the light of the above, the apprehension expressed by the petitioner is wholly unfounded. However, it is made clear that the temple shall carry out periodical and surprise inspection as to the utilization of the temple land and if any infraction is noticed, the respondents shall take immediate and appropriate action in accordance with law.

6.The Writ Petition is dismissed, subject to the above observations. However, in the circumstances of the case, there shall be no orders as to the costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

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4.The District Collector,
Tirunelveli District,
Tirunelveli.

W.P. (MD) No. 8802 of 2020

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VB (18.08.2020) 4P 5C