



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.2360 of 2021

M.L.Lakshmanan

... Appellant

VS

1.The Joint Commissioner,
The Tamil Nadu Hindu Religious & Charitable Endowments,
Balasundaram Road,
Coimbatore - 641 018.

2.The Assistant Commissioner,
The Tamil Nadu Hindu Religious & Charitable Endowments,
Jawansbhavan, Gandhiji Road,
Erode - 638 001.

3.The Executive Officer,
Arulmigu Sellandi Amman Temple,
Savandapur,
Gobichettipalayam Taluk,
Erode District.

... Respondents

Prayer: Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order dated 07.06.2021 in W.P.No.12077 of 2021.

Prayer in W.P.No.12077 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiarified Mandamus to call for the records pertaining to the lease termination notice issued by the 3rd respondent dated 08.02.2016 disobeying the High Court order in the admission stage of Second Appeal No.1289 of 2014 and to quash the same as illegal incompetent and ultravires and consequently direct the



WEB COPY

respondents to render the pending lease amount details and collect the same for the lease HR and CE property in Survey No.100/1 Mevani Village Gobichettipalayam Taluk measuring about 1.76 acres attached to Savandapur Sellandi Amman Temple.

For Appellant : Mr.G.Paramasivam
For Respondents-1 & 2 : Mr.C.Jayaprakash
Government Counsel

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

The writ appeal has been filed challenging the order passed in W.P.No.12077 of 2021 dated 07.06.2021.

2. The appellant, claims to be the cultivating tenant for more than 40 years in the property belonging to HR & CE Department. The challenge in the writ petition was to the Lease Termination Notice dated 08.02.2016, issued by the third respondent/Executive Officer. The learned counsel for the appellant had brought-forth the judgment of this Court in Second Appeal No.1289 of 2014, wherein, it was found by this Court, that the appellant/plaintiff was the cultivating tenant and his possession was lawful and the same cannot be disturbed by the defendants therein. The authorities have found that the appellant was excavating soil from the land and using it for other purposes, it is open to the authorities to evict him, in the manner known to law.

3. Accordingly, a notice was issued on 08.02.2016, calling upon the appellant to vacate the premises treating him as an 'Encroacher' under Section 78 of the Hindu Religious and Charitable Endowments Act. Without giving any objections to the said notice, straight away the appellant has moved the writ Court challenging the said order, that too after a lapse of five years.

4. The learned Single Judge, has rightly dismissed the writ petition, as there was no convincing reason for the delay and laches on the part of the appellant for not responding to the notice. However, the Writ Court had granted him permission to furnish objections to the said notice and it is for the



authorities to decide the same. Aggrieved by the said order, the present appeal has been preferred by the appellant.

5. We see no merits in the writ appeal. Therefore, once again we direct the appellant to submit his objections to the notice dated 08.02.2016, within a period of two weeks from the date of receipt of a copy of this judgment, after which, the authorities are directed to consider the same and pass appropriate orders, in the manner known to law, within a period of four weeks, thereafter.

6. With the above directions, the Writ Appeal is dismissed. No Costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

rsi

To

1.The Joint Commissioner,
The Tamil Nadu Hindu Religious & Charitable Endowments,
Balasundaram Road,
Coimbatore - 641 018.

2.The Assistant Commissioner,
The Tamil Nadu Hindu Religious & Charitable Endowments,
Jawansbhavan, Gandhiji Road,
Erode - 638 001.

3.The Executive Officer,
Arulmigu Sellandi Amman Temple,
Savandapur,
Gobichettipalayam Taluk,
Erode District.

+1CC to The Government Pleader, SR.No. 51746

W.A.No.2360 of 2021

VSN II(CO)

B.VC (20/10/2021)