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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

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THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.17548 of 2021

and

W.M.P.No.18650 of 2021

1. Gandhasamy
S/o.Goundappa Gounder
2. Ammasai
S/o.Goundappa Gounder
3. Dhaandayi
W/o.Goundappa Gounder
4. Vasanthai
W/o.Subramani

... Petitioners

-Vs.-

1. The State of Tamil Nadu
Rep. by its Secretary
Hindu Religious and Charitable Endowments Department
119, Uthamar Gandhi Salai
Nungambakkam
Chennai-600 034.
2. The Commissioner
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Salai
Nungambakkam
Chennai-600 032.
3. The Joint Commissioner of Hindu Religious
Charitable and Endowments Department
Coimbatore Region
Coimbatore.
4. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Coimbatore - 18.



5. The Executive Officer
Arulmiku Sokkanathaswamy Thirukovil
Ammapettai
Bhavani Post
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 20.01.2021 for permitting the petitioners to pay the lease arrears of 278.20 quintal of paddy in twelve monthly installments at the rate of 20 quintal paddies per month.

For Petitioners : Ms.Dakshayani Reddy
for Ms.S.Esairani Narasimman

For Respondents : Mr.N.R.R.Arun Natarajan
Government Advocate (HR&CE)

O R D E R

Ms.Dakshayani Reddy, learned counsel appearing on behalf of counsel on record for writ petitioners is before this Virtual Court.

2. Captioned writ petition is listed in the admission Board i.e., under the cause list caption 'FOR ADMISSION'.

3. Mr.NRR.Arun Natarajan, learned State counsel accepts notice on behalf of all five respondents.

4. Owing to the narrow compass on which the matter turns, both the aforementioned learned counsel consented to have the main writ petition taken up and disposed of. Therefore, this Court takes up the main writ petition with the consent of both sides.

5. Short facts will suffice. Short facts are that the petitioners are cultivating tenants under 'Arulmigu Sokkanathar Swamy Temple, Ammapettai, Anthiyur Taluk, Erode District' [hereinafter 'said Temple' for the sake of convenience and clarity] qua agricultural land admeasuring 3 acres or thereabouts comprised in Survey No.233 in Ammapettai Village, Bhavani Taluk, Erode District'; that said Temple is under the control and management of 'Tamil Nadu Hindu Religious and Charitable Endowments Department' [hereinafter 'TN HR&CE Dept' for the sake of convenience and clarity] and is governed by 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959



(Tamil Nadu Act No.22 of 1959)' [hereinafter 'TN HR&CE Act' for the sake of convenience and clarity]; that writ petitioners being cultivating tenants qua agricultural land Section 78 of TN HR&CE Act would not apply and therefore, inter-alia owing to alleged default in payment of rent, proceedings were initiated by fifth respondent i.e., Executive Officer of the said Temple under 'Act No.57 of 1961 being Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961' [hereinafter 'said Act' for the sake of convenience and clarity]; that the jurisdictional Revenue Court vide order dated 12.10.2018 in petition No.194 of 2016 passed an order holding that petitioners are liable to pay certain quantified amounts of paddy and costs to said Temple; that the said Temple launched execution in the Revenue Court and Executing Court passed an order dated 12.10.2018 inter-alia holding that 278.20 quintals of paddy is liable to be paid by writ petitioners to said Temple and directed eviction by following the rules; that thereafter the writ petitioners sent a representation dated 20.01.2021 accepting the order of Revenue Court but making a request that they would pay the aforementioned quantum of paddy payable in 12 installments inter-alia saying lack of irrigation and pandemic have impeded their agricultural activities.

6. In the aforesaid fact setting, writ petitioners have come up with captioned writ petition with a simple prayer for Mandamus to dispose of their aforementioned representation dated 20.01.2021.

7. Notwithstanding the aforementioned simple prayer for Mandamus, owing to the nature of the matter this Court considers it appropriate to dispose of the captioned writ petition by resorting to the residuary limb of the prayer by passing the following consent order:

(a) 278.20 quintals of paddy will be paid by writ petitioners to said Temple in five equal monthly installments.

(b) Each monthly installment shall be paid according to English calendar commencing from 01.09.2021.

(c) Installments for each month shall be paid on or before 10th of respective English calendar months.

(d) On writ petitioners making over/paying agreed installments of paddy promptly in the aforesaid manner, the execution order being order dated 12.10.2018 made in E.P.No.166 of 2016 shall be kept in abeyance till all five installments are paid.

(e) If there is any default on the part of writ petitioners for two consecutive months, the



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aforementioned execution order will stand revived and it will be open to fifth respondent to carry the matter to its logical end.

(f) The submission of writ petitioners in the representation that they accept the order dated 12.10.2018 made by Revenue Court in E.P.No.166 of 2016 i.e., giving quietus and accepting the order is recorded.

(g) On writ petitioners paying the entire quantum of 278.20 quintals of paddy in five installments in the aforesaid manner, the order dated 12.10.2018 in E.P.No.166 of 2016 will stand closed inter-alia recording full satisfaction.

8. The above directives will govern only the period concerning the Revenue Court proceedings and further periods will be governed by normal arrangements between the said Temple and cultivating tenants/writ petitioners.

9. The captioned Writ Petition is disposed of on above terms and consequently, captioned Writ Miscellaneous Petition is disposed of as closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
2. The Commissioner,
Hindu Religious and Charitable Endowments,
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3. The Joint Commissioner of Hindu Religious
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Coimbatore.



4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Coimbatore - 18.

5. The Executive Officer,
Arulmiku Sokkanathaswamy Thirukovil,
Ammapettai, Bhavani Post,
Erode District.

+lcc to M/s.S.Esairani Narasimman, Advocate Sr No.42579

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and
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VGII (CO)
PR (15/09/2021)