



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.A. (MD)No.1163 of 2021

and

CMP (MD) .No.4991 of 2021

Arulmigu Subramaniya Swamy Kovil
Valagam Viyabarigal Sangam,
Rep. through its President
S.Neelavannan
Thiruchendur,
Thoothukudi District.

... Appellant/Petitioner

Vs.

1. The Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.

2. The Joint Commissioner/Executive Officer,
Arulmigu Sri Subramaniya Samy Temple,
Thiruchendur,
Thoothukudi District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.8001 of 2021, dated 17.04.2021.

Prayer in WP(MD). 8001/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus or any other writ or order in the nature of writ, calling for the records of the 2nd respondent dated 11.03.2021 in proceedings Na.Ka.No.654/2021/E2, quash the same, as the same is arbitrary, ultravires, and consequentially direct the respondents to consider the representation dated 07.12.2020 in consonance with Rule 11 of Religious institution Lease of (Immovable Property) Rules 1963 afresh and grant lease to the members of Arulmigu Sri Subramaniya Samy Kovil Valagam Viyabarigal Sangam on daily / monthly rental basis and may deem fit.

For Appellant
For Respondents

: Mr.R.G.Shankar Ganesh
: Mr.Muthu Geethayan



J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.R.G.Shankar Ganesh, learned counsel appearing for the appellant-writ petitioner and Mr.Muthu Geethayan, learned counsel appearing for the respondents.

2. This appeal filed by the appellant is directed against the order and direction issued in W.P(MD).No.8001 of 2021, dated 17.04.2021.

3. The said writ petition was filed by the appellant-Association to quash the proceedings issued by the second respondent dated 11.03.2021 and to consider the representation given by the writ petitioner, so that the members of the Association can continue to run the shop in the said area.

4. The learned Single Bench rightly took note of the order passed by the Division Bench in W.P.(MD).No.19268 of 2018, and dismissed the writ petition. The operative portion of the order reads as follows:

"5. It is also relevant to note the order passed by the Honourable Division Bench in W.P.(MD) No.19268 of 2018. In the said order, there is a specific mention to the proceedings of the first respondent dated 09.04.2018. The Division Bench proceeded to pass the following order and the relevant portions are extracted hereunder: "2. Mr.M.Muthugeethaiyan, learned Standing Counsel appearing for the third respondent, would submit that in view of the fire accident occurred on 03.02.2018, all the existing shops in and around the temple were asked to vacate. Thereafter, a decision was taken to permit them to be in the new places for a period of three years as licensees subject to the conditions, imposed by the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai, dated 09.04.2018. The above conditions imposed by the Commissioner, Hindu Religious and Charitable Endowment Department, would indicate that what is given is only a license and after the expiry of the period of three years, a fresh auction will be conducted.

3. In view of the aforesaid submission, the grievance of the petitioner stands addressed sufficiently. When the existing licensees were asked to vacate the shops, naturally and



interfere with the order passed in the writ petition. Furthermore, we are informed by the learned counsel for the second respondent that individuals also filed the writ petitions and that were also dismissed.

8. In the result, the Writ Appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,

1. The Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.
2. The Joint Commissioner/Executive Officer,
Arulmigu Sri Subramaniya Samy Temple,
Thiruchendur,
Thoothukudi District.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-19685
[F] dated 21/06/2021)

+1 CC to M/s.SPL GP (SR-19949[F] dated
22/06/2021)

W.A. (MD)No.1163 of 2021
18.06.2021

KB(28.06.2021) 4P 5C