



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

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THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)Nos.20069, 20070 and 20071 of 2015

and W.M.P.(MD)Nos.1, 1 and 1 of 2015

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V.Esakki Muthu @ Selvam ... Petitioner in WP(MD)No.20069/2015

S.Nagoor Mydeen ... Petitioner in WP(MD)No.20070/2015

C.Venkatachalam ... Petitioner in WP(MD)No.20071/2015

.Vs.

1.The Joint Commissioner,  
HR & CE Department,  
Tirunelveli.

2.The Executive Officer/Administrative Officer,  
Arulmigu Mupudathi Amman Thirukoil,  
Kadayanallur, Tirunelveli.

... Respondents in all WPs

**COMMON PRAYER:** Petitions filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, to call for the record relating to the impugned notice dated 26.10.2015 issued by the second respondent and quash the same.

**In all WPs:**

For Petitioners : Mr.T.Anwar Sameem

For Respondents : Mr.S.R.A.Ramachandran

Additional Govt. Pleader for R1

No Appearance for R2

**COMMON ORDER**

This common order will govern the captioned three writ petitions.

2. Mr.S.Anwar Sameem, learned counsel for three writ petitioners and Mr.S.R.A.Ramachandran learned Additional Government Pleader for the first respondent in all the three writ petitions are before me. There is no representation for the second respondent, though the second respondent has entered appearance through a counsel and name of the counsel has also been shown in the cause list.

<https://hcservices.courts.gov.in/hcservices/> 3. The three writ petitioners are tenants under 'Arulmigu



Muppidathi Amman Thirukoil, situate in Kadayanallur, Tirunelveli District {now Tenkasi District}' (hereinafter 'said temple' for the sake of convenience and clarity).

4. The termination of lease of the writ petitioners was sought to be made and that brought the writ petitioners to this Court vide captioned writ petitions but it is not necessary to dilate on facts as much water has flown under the bridge since then and therefore the matter is now heading for a conclusion. Suffice to say that the writ petitioners have put up small superstructures and they have filed separate affidavits stating that they will not claim any rights in the superstructures put up by them and also saying that they will abide by the terms of the lease set out in the lease deed between the writ petitioners and said temple.

5. This Court is informed that said temple has also revised the rent atleast three times pending writ petitions.

6. Most relevant part of the affidavits filed by the writ petitioners are three sub-paragraphs of paragraph 4, which read as follows:

'4....

(i) *I will not claim whatsoever right over the building which was constructed by me out of my own source.*

(ii) *I will not violate abide by any conditions imposed by the respondent in the rental agreement as well as in the permission order dated 17.06.2014 of the 1<sup>st</sup> respondent.*

(iii) *Mere constructing the building doesn't create any right on the building to me.'*

7. Learned counsel for writ petitioners, on instructions submits that the above conditions will continue to operate.

8. Learned State Counsel on instructions submits that the writ petitioners are paying the rents regularly and are not in arrears.

9. Though obvious, the writ petitioners are now lessees under said temple and therefore will stand governed *inter alia* 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 brevity, convenience and clarity].

10. The above also means that it will be open to the said temple to deal with the writ petitioners in accordance with TN HR&CE Act, if need arises and if such a need arises, this order will not impede or stifle such proceedings. It is also made clear that this Court has not expressed any view or opinion on the



merits of the matter in this order.

11. Captioned writ petitions are disposed of as closed recording the aforesaid obtaining position. Consequently, connected captioned writ miscellaneous petitions are also disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsm

**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 Joint Commissioner,  
HR & CE Department,  
Tirunelveli.

2. The Executive Officer/Administrative Officer,  
Arulmigu Mupudathi Amman Thirukoil,  
Kadayanallur, Tirunelveli.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-36955[F] dated 02/12/2021)

+1 CC to M/s.SPL GP ( SR-36768[F] dated 01/12/2021 )

**W.P (MD) Nos.20069, 20070 and 20071 of 2015  
and W.M.P. (MD) Nos.1, 1 and 1 of 2015  
30.11.2021**

RJ (CO)

SB (22.12.2021) 3P 5C