



W.P. Nos. 2497, 15496 and 19987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 2497, 15496 and 19987 of 2022

and

W.M.P. Nos. 2649, 14661, 19297 and 19298

W.P. No. 2497 of 2022:-

1. S.Mayilvaganan

2. M.Pappathi

3. S.Palanvel

... Petitioners

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
District Collectorate,
Namakkal.

3. The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Nakeshwarar Swamy Temple,
S.Nattamangalam,
Namakkal District.

Respondents

...



W.P. Nos. 2497, 15496 and 19987 of 2022

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from interfering with peaceful possession of the agricultural land in Survey No. 273 measuring Punjai Acre 10.32 cents belong to the Arulmigu Nageswara Samy Temple, Sarkar Nattamangalam Village, Namakkal except due process of law and further direction to extent Petitioner lease for the the further period of 3 years from the date of payment of lease amount.

For Petitioners : Mr. T.Gowthaman for Mr. T.Dharani

For Respondents : Mr. K.Karthikeyan,
Government Advocate
(for R1 & R2)

Mr. S.Sithirai Anandam (for R3)

W.P. No. 15496 of 2022:-

S.Mayilvaganan

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
2. The Special Commissioner and Commissioner for Land
Administration Department,
Government of Tamil Nadu,
Ezhilagam,
Chennai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
District Collectorate,
Namakkal.



W.P. Nos. 2497, 15496 and 19987 of 2022

4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
20F, Chinnamuthu,
Perundurai Road,
Erode.
 5. The District Collector,
Namakkal District.
 6. The Superintendent of Police,
Namakkal,
Namakkal District.
 7. The District Revenue Officer,
District Collectorate,
Namakkal.
 8. The Revenue Divisional Officer,
Divisional Officer,
Mohanur Road,
Namakkal District.
 9. The Assistant Director of Land and Survey,
District Collectorate Office,
Namakkal.
 10. The Tahsildar,
Namakkal Taluk,
Namakkal District.
 11. The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Nakeshwarar Swamy Temple,
S.Nattamangalam,
Namakkal District.
 12. The President,
S.Nattamangalam Village Panchayat,
S.Nattamangalam Village,
Namakkal District.
- ...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India,



W.P. Nos. 2497, 15496 and 19987 of 2022

1950, praying to issue a Writ of Mandamus, directing the Respondents to take appropriate step to prevent the agricultural land in Souther Side of East and West part comprised in Survey Nos. 273 belongs to the Arulmigu Nageswara Samy Temple, Sarkar Nattamangalam Village, Namakkal from laying any pathway by considering the representation dated 02.06.2022.

For Petitioner : Mr. T.Gowthaman for Mr. T.Dharani

For Respondents : Mr. K.Karthikeyan,
Government Advocate
(for R1 to R4)

Mr. P.Balathandayutham,
Special Government Pleader
(for R5 & R7 to R10)

Mr. L.S.M.Hasan Fizal,
Additional Government Pleader (for R6)

Mr. S.Sithirai Anandam (for R11)

Ms. C.Meera Arumugam,
Additional Government Pleader (for R12)

W.P. No. 19987 of 2022:-

S.Mayilvaganan

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
District Collectorate,



W.P. Nos. 2497, 15496 and 19987 of 2022

Namakkal.

3. Sudha
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Third Respondent with the nomenclature, 'Notice' dated 25.07.2022 and quash the same.

For Petitioners : Mr. T.Gowthaman for Mr. T.Dharani

For Respondents : Mr. K.Karthikeyan,
Government Advocate
(for R1 & R2)

Mr. S.Sithirai Anandam (for R3)

COMMON ORDER

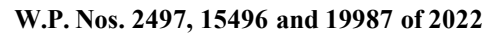
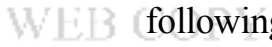
Heard Mr. T.Gowthaman, Learned Counsel for the Petitioners, Mr. K.Karthikeyan, Learned Government Advocate appearing for the First and Second Respondents in W.P. Nos. 2947 and 19987 of 2022 and the First to Fourth Respondents in W.P. No. 15496 of 2022, Mr. S.Sithirai Anandam, Learned Counsel for the Third Respondent in W.P. Nos. 2947 and 19987 of 2022 and the Eleventh Respondent in W.P. No. 15496 of 2022, Mr. P.Balathandayutham, Learned Special Government Pleader for the Fifth and Seventh to Tenth Respondents in W.P. No. 15496 of 2022, Mr. L.S.M.Hasan



W.P. Nos. 2497, 15496 and 19987 of 2022

Fizal, Learned Additional Government Pleader appearing for the Sixth Respondent in W.P. No. 15496 of 2022 and Ms. C.Meera Arumugam, Learned Additional Government Pleader appearing for the Twelfth Respondent in W.P. No. 15496 of 2022 and perused the materials placed on record, apart from the pleadings of the parties.

2. The agricultural land measuring an extent of 10.32 acres in S. No. 273 in Sarkar Nattamangalam Village, Namakkal District evidently belongs to Arulmighu Nageshwaraswamy Thirukoil, Sarkar Nattamangalam Village, Namakkal District (hereinafter referred to as 'the Temple' for short). It is claimed that the Petitioners in W.P. No. 2497 of 2022 are the joint lessees of the said property of the Temple and that the Second and Third Petitioners in W.P. No. 2497 of 2022, viz., M.Pappathi and S.Palanvel, have sub-let their portions of that land in favour of the said S.Mayilvaganan, who is the First Petitioner in W.P. No. 2497 of 2022 and the Petitioner in W.P. Nos. 15496 and 19987 of 2022, and he is said to be carrying out agricultural activities in the entire property. However, the Temple denies having entered into any lease agreement with any of the Petitioners, who are in unauthorized occupation and would have to be evicted therefrom so that lease of the property could be granted through public auction so as to generate income as directed by the Hindu Religious and



following the directions issued by this Court in various decisions. It is further stated that the Petitioners would have to first vacate and thereafter participate in the public auction, if they want lease of that property.

<https://www.mhc.tn.gov.in/judis>



W.P. Nos. 2497, 15496 and 19987 of 2022

WEB COPY

4. It is beyond any pale of doubt that in terms of Section 34 of the Act, any lease for a term exceeding five years of any immovable property, belonging to, or given or endowed for the purpose of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the religious institution, and the Petitioners have not produced any document in satisfaction of that essential requirement. In such circumstances, the Respondents cannot be faulted for taking necessary action for the eviction of the Petitioners from that property following the prescribed procedure under the relevant statutory provisions. The prosecution of these Writ Petitions is a devious ploy adopted by the Petitioners as a camouflage to indefinitely protract the proceedings taken in that regard, which cannot be countenanced. It is needless to point out here that a mere contemplation or possibility that a right may be infringed, without any legitimate basis for that right, would not give rise to a cause of action. Consequently, the Petitioners are not entitled to any of the reliefs sought in these Writ Petitions in abuse of the legal process.



W.P. Nos. 2497, 15496 and 19987 of 2022

WEB COPY

In the result, these Writ Petitions, which are devoid of merits, are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

09.11.2022

vjt

Index: Yes/No

Note: Issue order copy by 18.11.2022.

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
2. The Special Commissioner and Commissioner for Land
Administration Department,
Government of Tamil Nadu,
Ezhilagam,
Chennai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
District Collectorate,
Namakkal.
4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
20F, Chinnamuthu,
Perundurai Road,
Erode.
5. The District Collector,



W.P. Nos. 2497, 15496 and 19987 of 2022

Namakkal District.

WEB COPY

6. The Superintendent of Police,
Namakkal,
Namakkal District.
7. The District Revenue Officer,
District Collectorate,
Namakkal.
8. The Revenue Divisional Officer,
Divisional Officer,
Mohanur Road,
Namakkal District.
9. The Assistant Director of Land and Survey,
District Collectorate Office,
Namakkal.
10. The Tahsildar,
Namakkal Taluk,
Namakkal District.
11. The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Nakeshwarar Swamy Temple,
S.Nattamangalam,
Namakkal District.
12. The President,
S.Nattamangalam Village Panchayat,
S.Nattamangalam Village,
Namakkal District.



WEB COPY



W.P. Nos. 2497, 15496 and 19987 of 2022

P.D. AUDIKESAVALU, J.

vjt

W.P. Nos. 2497, 15496 and 19987 of 2022

09.11.2022