

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.27168 of 2022

P.Selvakumar .. Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowments
Nungambakkam
Chennai.

2. The Joint Commissioner
Hindu Religious and Charitable Endowments
Erode. .. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to consider petitioner's representation dated 21.06.2022 to conduct public auction for lease of the land in S.No.87/5 of Koonavelampatti Village measuring 5.93 acres, belongs to Arulmigu Athanoor Amman Thirukoil at Koonavelampatti Village, Rasipuram Taluk, Namakkal District.

For the Petitioner : Mr.K.Thiruvengadam

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition has been filed seeking a direction to the respondents to consider the representation of the petitioner dated 21.06.2022 to conduct public auction for lease of the land of an extent of 5.93 acres in S.No.87/5 of Koonavelampatti Village which belongs to Arulmigu Athanoor Amman Thirukoil at Koonavelampatti Village, Rasipuram Taluk, Namakkal District.

2. Learned counsel for the petitioner submitted that the land in question, which is under the control of the second respondent, has not been leased out to the farmers in and around the land, as was done in the past, but leased out to one family for several years, with the help of the Administrator of the temple and that too, for a meagre lease amount and therefore, revenue loss is caused to the Government. He further submitted that though the villagers participated in the auction

for lease of the land and submitted higher bid amount, they were not considered.

3. According to the petitioner, who is an agriculturist and a devotee of the temple, public auction has to be conducted and the land has to be leased out to the farmers in and around the land.

4. Learned State Government Pleader placed on record the written instruction of the Executive Officer of the temple, wherein it is stated that one Rangasamy of that Village, who had taken the land on lease, did not hand over the possession even after the expiry of the lease period and had issued a notice stating that the lease was taken in the name of his grandfather for long number of years and therefore, possession cannot be given and hence, action has been initiated under Section 78 of the Tamil Nadu Hindu Religious and Endowment Act. It is further stated that once the possession of the land is taken by them, it would be brought for public auction.

5. In view of the above, the respondents are directed to evict

the said Rangasamy from the leased out land within a period of eight weeks from the date of receipt of a copy of this order and thereafter, to conduct public auction to lease out the land. The writ petition is disposed of accordingly. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
12.10.2022

Index : Yes/No

kpl

To

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T.RAJA, ACJ,
and
D.KRISHNAKUMAR,J
(kpl)

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