



W.P.(MD)No.12202 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.12202 of 2022

and

WMP(MD) Nos.8678 and 8680 of 2022

1. Petchiyammal
2. R.Muppiliyan

.. Petitioners

Vs

1. The Joint Commissioner
Hindu Religious and Charitable Endowment Department,
Madurai.
2. The Assitant Commissioner
Hindu Religious and Charitable Endowment Department,
Madurai.
3. The Inspector
Hindu Religious and Charitable Endowment Department,
Alanganallur,
Madurai District
4. K.Muppilirajan
The Chairman of Board of Trustees,
Arulmighu Muppiliparuppanasamy Thirukkovil,
Thandalai, Vadipatti Taluk
Madurai District

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned auction notification dated 03.06.2022 issued by the fourth respondent proposing to auction the cultivating right in the subject property measuring 78 Cents in Survey No.87/1, Thandalai Village, Vadipatti Taluk, Madurai District and quash the same

For Petitioner	: Mr.J.Barathan
For Respondents	: Mr.Lingadurai
No.1 to 3	Special Government Pleader

ORDER

This petition has been filed to quash the impugned auction notification dated 03.06.2022 issued by the fourth respondent proposing to auction the cultivating right in the subject property measuring 78 Cents in Survey No.87/1, Thandalai Village, Vadipatti Taluk, Madurai District

2. The second petitioner's father was a tenant with the fourth respondent temple and the said temple property is in Survey No.87/1, Thandalai Village, Vadipatti Taluk, Madurai District measuring 0.32.00



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Ares. The second petitioner's father Chellam @ Ramasamy has taken the said property on lease from the then Hereditary Trustee, Veeranasamy in the year 1953 and he was recognized as the cultivating tenant of the subject property by the then Hereditary Trustee of the temple. The second petitioner's father has to pay eight bags of paddy for each bogum and the said property is a double crop land. After the demise of the second petitioner's father the then Hereditary Trustee Veeranasamy, one Veeravel had become Hereditary Trustee and he recognized the mother of the petitioner as tenant. The petitioner and his mother are physically contributing their own physical labour and are cultivating the subject property as cultivating tenants under the Tamil Nadu Cultivating Tenants Protection, Act, 1995.

3. The patta stands in the name of the Karuppanasamy Kovil represented by its Poosari. The then Hereditary Trustee had filed a O.A.No. 60 of 1976 before the Deputy Commissioner of Hindu Religious and Endowments Department, Madurai under Section 63(b) of the Tamil Nadu Hindu Religious And Charitable Endowments Act, 1959 seeking to declare the temple as public temple and the said application was



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allowed on 29.11.1976. The petitioner has also obtained agricultural loan from Kumaram Primary Agricultural Cooperative Bank for cultivating the subject property. The second petitioner's father had been issued identity card by the Deputy Agricultural Officer, Tamil Nadu Agricultural Development Schemes, Alanganallur. The then Hereditary Trustee, Veeransamay had also issued consent letter to the Kumaram Primary Agricultural Cooperative Bank enabling the petitioner's mother to obtain agricultural loan. This being so, the second respondent had appointed a Board of Trustees under the Chairmanship of the fourth respondent. The fourth respondent had sent letter dated 03.06.2022 to the Village Administrative Officer that the subject property has to be auctioned for fasali 1432 and the same was also informed on 22.06.2022 in the presence of the third respondent. The second petitioner's father and after his demise the mother of the second petitioner is cultivating the said property for more than 65 years as per the Tamil Nadu Public Trusts(Regulation of Administration of Agricultural Lands), Act, 1961. He further submitted that the petitioners cannot be evicted without the order of the revenue court. The petitioners family have been cultivating the land for more than six decades and the impugned auction notification



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proposing to auction the cultivating rights for fasali 1432, hence he has filed a present petition to quash the impugned auction notification dated 06.03.2022.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that as per Section 34 of the Act any lease for more than five years, has to be approved by the Commissioner. The petitioner has not paid the lease amount from the year 2011-2021 and had not paid 160 paddy bags worth about Rs.2,12,160/-. This value has been arrived after getting valuation from the Tamil Nadu Civil Supplies Corporation. Further submitted that the petitioner's contentions that one Veeransamy is Hereditary Trustee cannot be accepted. Further the Thakar of the temple had filed a petition in CrI.M.P.No.6267 of 2016 before the learned District Munsif Cum Judicial Magistrate, Vadipatti and the learned Magistrate by an order dated 25.11.2016 had directed the said Veeravel to hand over the temple and its property to the Executive Officer. Further O.A.No.14 of 2015 has been filed by the fourth respondent and three others and by an order dated 22.09.2022, pursuant to the scheme order dated 30.05.2019 has been confirmed. Following the



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same, the fourth respondent has been made as a Managing Trustee along with R.Murugan and S.Murugan as Board Members. He further submitted that the information sought from the Tahsildhar through Right to Information Act, it is seen that the land in Survey No.87/1, Thandalai Village, Vadipatti Taluk, Madurai District measuring 0.32.00 Ares belongs to Muppilian Karuppasamy Temple and no body has been recognized as cultivating tenant of the subject land. He further submitted that earlier public auction was on 23.06.2022 and now the fourth respondent has to issue fresh date for auction.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

6. It is seen that the petitioners have challenged the public auction notification dated 03.06.2022 on the premise that they are cultivating tenants. As it could be seen from the revenue records that no body has been recognized as cultivating tenants. Further claims that they have paid the amount to the erst while Hereditary Trustee cannot be considered.



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Now the fourth respondent has been appointed as Managing Trustee along with two other trustees in O.A.No.14 of 2015.

7. In view of the same, the Writ Petition stands dismissed. The fourth respondent is directed to issue fresh public auction notification for tenancy of the said land. Further steps to be taken to recover the arrears from the petitioners herein. If there is any resistance while conducting fresh auction and handing over the agricultural lands to the successful tenderer, necessary police protection to be given. No costs. Consequently connected miscellaneous petition is also closed.

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Index: Yes/No
Internet : Yes/No
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M.NIRMAL KUMAR, J.

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