



W.A.(MD)No.968 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.968 of 2022
and
C.M.P.(MD)Nos.7842 of 2022

- 1.A.Devasenapathy
- 2.S.Durairaj
- 3.K.Meenakshi
- 4.A.Rengan
- 5.S.Lakshmi Narayanan
- 6.K.Sridhar
- 7.P.G.Vijay
- 8.P.Purushothaman
- 9.K.R.Karthikeyan
- 10.P.Alagia Manavalan
- 11.S.Saravanan
- 12.A.Govindan
- 13.P.Tamilselvan
- 14.M.Mookkaiya
- 15.Rajasekar
- 16.S.Saranraj
- 17.P.Dharmarajan
- 18.S.Balachandran
- 19.G.Ramesh
- 20.R.S.Selvaraj
- 21.T.Rajagopal
- 22.D.Govindarajan
- 23.R.S.Selvaraj
- 24.A.Rengan
- 25.P.Rengarajan
- 26.E.Suresh
- 27.K.Selvam



W.A.(MD)No.968 of 2022

28.K.Ranganathan
29.P.Rangarajan
30.M.Sundarraaj
31.K.Uppil Srinivasan
32.K.Sundaram

... Appellants

Vs.

1.The Secretary,
Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat,
Chennai – 600 009.

2.The Joint Commissioner/Executive Officer,
Sri Ranganatha Swamy Devasthanam,
Srirangam,
Tiruchirappalli – 620 006.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent, to set aside the order passed by this Court in W.P.(MD)No.12593 of 2022, dated 28.06.2022.

For Appellant : Mr.AN.Ramanathan

For 1st Respondent : Mr.Mr.P.T.Thiraviam
Government Advocate

For 2nd Respondent : Mr.M.Saravanan
Standing Counsel

* * *

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order of learned Single Judge dated 28.06.2022 made in W.P.(MD) No.12593 of 2022.



W.A.(MD)No.968 of 2022

2. Heard Mr.A.N.Ramanathan, learned counsel for the appellant, Mr.P.T.Thiraviam, learned Government Advocate, who accepts notice on behalf of the 1st Respondent and Mr.M.Saravanan, learned Standing Counsel, who accepts notice on behalf of the second respondent. By consent of both sides, this Writ Appeal is taken up for final disposal at the admission stage itself.

3. Brief facts that are necessary for disposal of the writ appeal are as follows:-

The appellants are the tenants of the second respondent Temple. It is the case of the appellants that the shops were there for few generations and that their family members are eking out their livelihood from the income derived from the business done by them in those shops. The Temple management issued a notice on 17.09.2014 to vacate the premises on the ground of "Thiruppani work". Thereafter, the second respondent initiated proceedings under Section 80 of the Tamil Nadu HR & CE Act, 1959. The appellants questioned the maintainability of the proceedings initiated by the second respondent by filing a revision and the same was dismissed by the Commissioner in a batch of revision petitions. However, the revision petitions filed by the appellants before the



W.A.(MD)No.968 of 2022

Commissioner in another batch challenging the eviction proceedings were allowed with liberty to the second respondent to initiate action afresh. It appears that the appellants have suffered an order by the Joint Commissioner under Section 80 of the HR & CE Act. Thereafter, they preferred appeals before the Commissioner, HR & CE and the Commissioner also dismissed the appeals. Aggrieved, the appellants have also preferred revisions under Section 114 of Tamil Nadu HR & CE Act. However, even before the appellants approached the Government under Section 114 of the HR & CE Act, 1959, it appears the respondents have initiated action for removal of encroachments. Challenging the order directing the appellants to vacate the premises, the writ petition was preferred.

4. Learned Single Judge of this Court, while disposing of the writ petition protected the interests of the appellants by making the following observations:-

“5.The learned Senior Counsel appearing for the petitioners further submits that the first respondent, vide his communications in Na.Ka.No.6344/Religious Endowment 4-2/2022-1, dated 20.06.2022 and



W.A.(MD)No.968 of 2022

Na.Ka.No.6225/Religious Endowment 4-2/2022-1, dated 21.06.2022, has stated that the revisions numbered in R.P.Nos.16 to 29 of 2022 and R.P.Nos.30 to 47 of 2022. In view of the same, it would be appropriate to direct that the eviction proceedings to be kept pending till the disposal of the revisions. In the meanwhile, if the petitioners are forcibly evicted, their rights would be affected and grave prejudice would be caused.

...

10.Now, the petitioners have filed revision petitions in R.P.Nos.16 to 47 of 2022 before the first respondent. Be that as it may, the first respondent is directed to consider the petitioners' plea in accordance with law and dispose of the same within a period of three weeks from the date of receipt of a copy of this order. Till such time, the Executive Officer and the Temple authorities shall maintain status quo as on date."

However, the grievance of the appellants is that while protecting the right of the appellants, learned Single Judge made observations in para No.9, which reads as follows:-

"9.Considering the rival submissions and on perusal of the materials, it is seen that



W.A.(MD)No.968 of 2022

the eviction process has already been commenced in the year 2016. Now, after several rounds, the issue has gone up and down and finally, the Commissioner has passed an order in both the appeals and the revisions on 04.05.2022, confirming the order passed by the Joint Commissioner, Trichy. The primary reason for the order is that, the Temple has to be maintained with its glory, retaining its artistic appearance and maintain religious atmosphere with serenity in the Temple and its precincts. The Temple is more than a millennium year old and it has got its own history and religious flavour and the artistic value is well known. There are long artistic Courtyards, which have to be retained.”

5. Though the observations of learned Single Judge first appears to be on the merits of the case, it can be taken as only a prima facie opinion on the merits of the case. Therefore, this Court is of the view that all the interests of the appellants in this appeal will be protected if the writ appeal is disposed of with the following clarifications:-

The first respondent is directed to consider the applications



W.A.(MD)No.968 of 2022

i.e., pending before the first respondent as against the order of Commissioner, HR & CE and dispose of the same uninfluenced by any of the observations made by learned Single Judge in paragraph 9 of the order dated 28.06.2022 in W.P.(MD) No.12593 of 2022.

6. Accordingly, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
01.09.2022

Index : Yes / No

sj

To

1.The Secretary,
Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat,
Chennai – 600 009.



W.A.(MD)No.968 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

W.A(MD)No.968 of 2022

01.09.2022