



W.P.(MD)No.18963 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.18963 of 2022

Renga Planers Private Limited,
Director,
R.Kamalakaran,
No.1 and 8, Kalalagar,
Alagar Kovil Main Road,
Thalakulam,
Madurai-625 002.

.. Petitioner

Vs

1.The Secretary,
The Government of Tamil Nadu,
Hindu Religious and Charitable Endowments Department,
St. George Fort,
Chennai-9.

2.The Commissioner,
The Tamil Nadu Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

3.The Deputy Commissioner/Executive Officer,
Arulmigu Kalalagar Thirukovil,
Madurai-301.

.. Respondents

(the third respondent suo moto impleaded as per the

order of the Court made in W.P.(MD).No.18963 of 2022



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vide order dated 23.08.2022.)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner Statutory Application/Representation dated 11.05.2022 made in terms of Rule 11 of the Religious Institutions (lease of Immovable Property) Rules 1963.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.P.T.Thiraviam
1 and 2 Government Advocate

For 3rd Respondent : Mr.K.R.Laxman

ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioner's Statutory Application/Representation dated 11.05.2022 made in terms of Rule 11 of the Religious Institutions (lease of Immovable Property) Rules 1963.

2.Mr.P.T.Thiraviam, learned Government Advocate takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3.The learned counsel appearing for the petitioner submitted that the petitioner had sent a representation to the first respondent on 11.05.2022, seeking to use the vacant land adjacent to the petitioner's shop to an extent of 2,450 sq. ft. for the purpose of allotment under Rule 11 of Religious Institutions (Lease of Immovable Property) Rules 1963. He further submitted that the said property belongs to Shri Arulmigu Kalalagar Thirukovil, Alagarkovil, Maduri. The petitioner has taken on lease Shop No.1 and 8 in the commercial complex at Thalakulam, Madurai, belongs to the said temple. The petitioner remitting the rent to the said Religious Institution without fail. In the souther portion of petitioner's shop No.1, there is a vacant land to an extent of 2450 sq. ft. which is not utilized by any one. The said land is located in a such manner that cannot be put to use commercially and difficult to access. Therefore, any one other than petitioner having access to the land, it would disturb the petitioner's tenancy right and enjoyment. Further, the land operated as a hotspot for antisocial elements, who visit the same at odd hours. This has posed a serious threat to the safety and security of his premises. Thereafter, the petitioner filed an application to the first respondent on 11.05.2022, to permit him to secure the said land. Since



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there was no response and no action taken, the petitioner has filed the present Writ Petition.

4.The learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner cannot invoke Rule 11 of Religious Institutions (Lease of Immovable Property) Rules 1963. As per Rule 11 of Religious Institutions (Lease of Immovable Property) Rules 1963, it is for the Executive Authority of a religious institution to make such application. In this case, the Deputy Commissioner/Executive Officer of Shri Arulmigu Kalalagar Thirukovil, Alagarkovil, Maduri, sent a letter to the petitioner on 18.08.2022 informing that the Temple property is for public auction. The copy of the petition addressed to the first respondent, was forwarded to the Joint Commissioner, who has informed the same to the Executive Officer to take appropriate action in this regard.

5.This Court finds that the Deputy Commissioner/Executive Officer has not been made as party. In view of the order passed by the Deputy Commissioner/Executive Officer, this Court suo moto impleaded



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the Deputy Commissioner/Executive Officer as third respondent in this petition.

6.Mr.K.R.Laxman, learned counsel appearing for the Deputy Commissioner/Executive Officer, submitted that soon the property to be brought for public auction, the petitioner can very well participate in the public auction, if he so desires.

7.The learned counsel appearing for the third respondent submitted that on 18.08.2022, a decision has been taken by the third respondent that to bring the property for public auction. Hence, he prayed for dismissal of the petition.

8.Considered the rival submission and perused materials available on records. It is seen from the letter sent by the third respondent dated 18.08.2022, that the third respondent had taken a decision to bring the vacant land of Shri Arulmigu Kalalagar Thirukovil, Alagarkovil, Maduri, for public auction. The copy of the communication been served to the petitioner's counsel.



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9.Recording the same, this Writ Petition is disposed of. No costs.

23.08.2022

Index: Yes/No
Internet : Yes/No
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To:

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- 2.The Commissioner,
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M.NIRMAL KUMAR, J.

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