



Writ Appeal No.1048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Appeal No.1048 of 2023
and CMP.No.10473 and 10476 of 2023

1. Nethaji
2. Mathaiyan

.. Appellants

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Dharmapuri,
Dharmapuri District.
4. The Executive Officer,
Arulmizhu payil Mariamman Temple,
Nekunthi Village,
ErrapaiyanaAlli Post,
Nallampalli Taluk,
Dharmapuri District.

.. Respondents



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WEB COPY Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.04.2022 made in WP.No.7902 of 2023 passed by the learned Single Judge of this Court.

For appellants : Mr.Uma Shankar
for Mr.M.Selvam
For respondents : Mr.Yeswanth, AGP

JUDGMENT

(The Judgment of the Court was delivered by C.SARAVANAN, J)

The present appeal has been filed challenging the order passed by the learned Single Judge of this Court in WP.No.7902 of 2023 dated 05.04.2023.

2. The petitioners/appellants is aggrieved by para 16 of the order passed by the learned Single Judge, which reads as under:

"16. The petitioners, since not holding any valid lease, they are not entitled to continue in the possession. Thus the Authorities Competent are empowered to recover the



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possession from the petitioners and conduct public auction in the interest of Temple Administration."

3. The learned counsel appearing for the appellants submitted that the appellants are in occupation of the property namely agricultural land and they may be allowed to continue in possession.

4. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the impugned order of the learned Single Judge is well reasoned and it requires no interference.

5. It is submitted that the appellants cannot be permitted to continue in possession as the agricultural property has to be auctioned under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

6. We have considered the submissions of the learned counsel for the appellants as well as the respondents and we are of the view that there cannot be any impediment in auctioning the rights of the agricultural land,

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which belongs to the respondents herein. It is open to the appellants to participate in the auction that is proposed to be conducted by the respondents. In case, the appellants succeed, they can continue with the possession of the property otherwise, they shall handover the property to the respondents. Till auction is conducted, status quo has to be maintained.

7. With the above observations, the Writ Appeal stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J] [C.S.N., J]
04.05.2023

Speaking Order: Yes / No
pvs



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To

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A.D.JAGADISH CHANDIRA, J
and
C.SARAVANAN, J

pvs

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