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WP Nos.5129 and 5329 to 5347 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP Nos.5129, 5329 to 5347 of 2014

And

MP Nos.3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3, 3 and 3 of 2014 in
WP Nos.5129 and 5329 to 5347 of 2014

T.Thanthoni	... Petitioner in WP 5129/2014
K.Thiruneelakandan	... Petitioner in WP 5329/2014
P.Thirumalai	... Petitioner in WP 5330/2014
D.Thanigachalam	... Petitioner in WP 5331/2014
J.Sekar	... Petitioner in WP 5332/2014
K.E.Srinivasan	... Petitioner in WP 5333/2014
P.Sasikala	... Petitioner in WP 5334/2014
S.Yogalingam	... Petitioner in WP 5335/2014
Tmt.Thenmozhi	... Petitioner in WP 5336/2014
S.Munusamy	... Petitioner in WP 5337/2014
S.Jayakumar	... Petitioner in WP 5338/2014
V.Rajamanickam	... Petitioner in WP 5339/2014
D.Mohan	... Petitioner in WP 5340/2014
K.A.Sankar	... Petitioner in WP 5341/2014
T.Ravichandran	... Petitioner in WP 5342/2014
T.Kumudhavalli	... Petitioner in WP 5343/2014
J.Sivakumar	... Petitioner in WP 5344/2014
A.Babu	... Petitioner in WP 5345/2014
P.Palani	... Petitioner in WP 5346/2014
K.Natarajan	... Petitioner in WP 5347/2014



Vs.

Executive Officer,
Arulmighu Sundereeswarar Swami
Thiru Kovil,
Kovur (Via) Mangadu,
Sriperumbudur Taluk,
Kancheepuram District.

... R-1 in all WPs

The President and Assistant Commissioner,
Revenue Court Cuddalore,
at 6B, Ramadass Street,
Pudupalayam,
Cuddalore.

... R-2 in all WPs

The Special Officer,
G 1732, Kovur Agricultural Cooperative
Farms Society,
Having Office at:
Kovur Agricultural Cooperative Urban Bank,
Kovur (via) Mangadu,
Sriperumbudur Taluk,
Kancheepuram District.

... R-3 in all WPs

Deputy Registrar of Cooperative Societies,
Cooperative Societies,
Kancheepuram Town and Taluk,
Kancheepuram District.

... R-4 in all WPs

The Special Revenue Inspector (Enforcement),
Revenue Court Cuddalore,
at 6B, Ramadass Street,
Pudupalayam,
Cuddalore.

... R-5 in all WPs



K.K.Anantha Padmanabhan ...
[R-6 impleaded vide order of Court
dated 26.04.2023 made in MP No.3 of
2021 in WP No.5129 of 2014]

R-6 in WP 5129/2014

The District Collector,
Kancheepuram.
[suo motu impleaded as R-7 in
in WP 5129/2014 and R-6 in
WPs 5329 to 5347/2014 vide order
of Court dated 26.04.2023]

... R-7 in WP 5129/2014 and
R-6 in WPs 5329 to 5347/2014

The Superintendent of Police,
Kancheepuram.
[suo motu impleaded as R-8 in
in WP 5129/2014 and R-7 in
WPs 5329 to 5347/2014 vide order
of Court dated 26.04.2023]

... R-8 in WP 5129/2014 and
R-7 in WPs 5329 to 5347/2014

The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Kancheepuram.
[suo motu impleaded as R-9 in
in WP 5129/2014 and R-8 in
WPs 5329 to 5347/2014 vide order
of Court dated 26.04.2023]

... R-9 in WP 5129/2014 and
R-8 in WPs 5329 to 5347/2014

WP 5129 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP



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No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.311/1 of an extent of acre 0.56 cents out of extent of acre 0.69 cents classified as Nanja agricultural lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5329 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No. land of an extent of acre 2.32 cents, Survey No.129 land of an extent of acre 0.76 cents and Survey No.124/3, land of an extent of acre 0.61 cents in all land of an extent of acre 3.69 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram



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District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5330 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.52 land of an extent of acre 0.66 cents and Survey No.30 land of an extent of acre 0.98 cents in all land of an extent of acre 1.64 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.



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WP 5331 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.329/1 land of an extent of acre 2.65 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5332 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential



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notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.91/12 land of an extent of acre 1.00 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5333 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.91/9 land of an extent of acre 1.28 cents classified as Punja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by



the petitioner directly to the first respondent.

WP 5334 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.33/1A land of an extent of acre 0.63 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5335 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP



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No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.191/11 land of an extent of acre 0.70 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5336 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.292 land of an extent of acre 1.07 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to



deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

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WP 5337 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.160 land of an extent of acre 1.64 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5338 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member



culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.145/2 of an extent of 0.76 cents, Survey No.146 land of an extent of acre 0.61 cents and Survey No.147 of an extent of acre 2.16 cents in all an extent of acre 3.53 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5339 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.373 land of an extent of acre 1.84 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram



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District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5340 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.312 of an extent of 0.41 cents, Survey No.330 land of an extent of acre 0.23 cents, Survey No.331 of an extent of acre 1.35, and Survey No.330 of an extent of acre 0.22 cents in all a total extent of acre 2.21 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.



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WP 5341 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.150 land of an extent of 1.28 cents, Survey No.151 land of an extent of acre 0.84 cents in all an extent of acre 2.12 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5342 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP



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No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.166 land of an extent of acre 0.66 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5343 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.137 land of an extent of 1.84 cents and Survey No.157 land of an extent of acre 2.77 cents in all an extent of acre 4.61 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second



respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5344 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.298 land of an extent of 3.71 cents and Survey No.91/1 land of an extent of acre 1.00 cents in all an extent of acre 4.71 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.



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WP 5345 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.70/28 land of an extent of 0.88 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5346 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential



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notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.291 of an extent of 0.57 cents and Survey No.283/2 land of an extent of acre 0.50 cents in all an extent of acre 1.07 cents classified as Nanja lands Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

WP 5347 of 2014 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the proceedings initiated by the first respondent as against the Kovur Tenants Cooperative Farming Society represented by the third respondent in which the petitioner is the member culminating in the impugned order passed by the second respondent in MP No.15 of 2008 in PTA 187 of 2001 dated 30.01.2012 and the consequential notice of eviction in EP No.18 of 2013 dated 27.01.2014 issued by the fifth respondent directing eviction of the petitioner in respect of the lands comprised in Survey No.321/AB of an extent of 0.14 cents situated in Kovur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon direct the second respondent to properly conduct the proceedings by giving opportunity to the petitioner to participate in the proceedings and further grant time to the petitioner to deposit the actual rent



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payable in respect of the extent of lands occupied by the petitioner directly to the first respondent.

For Petitioner in all WPs : Mr.A.Palaniappan

For Respondents-1 and 6
in WP 5129/2014 and

For Respondent-1 in
WPs 5329 to 5347/2014: Mr.R.Singaravelan,
Senior Counsel for
Mr.V.S.Jagadeesan.

For Respondents-2 to 5,
7 and 8 in WP 5129/
2014 and For
Respondents-2 to 7 : Mr.T.Arunkumar,
in WPs 5329 to 5347/ Additional Government Pleader.
2014

For Respondent-9 in
WP 5129/2014 and : Mr.K.Karthikeyan,
For Respondent-8 in Government Advocate (HR&CE).
WPs 5329 to 5347/2014

COMMON ORDER

The writs on hand are instituted by the members of G.1732
Kovur Agricultural Cooperative Farms Society claiming themselves as
Agricultural tenants, cultivating the land admittedly owned by the first



respondent-Arulmighu Sundareeshwarar Swami Thirukoil, Kovur,
Kancheepuram Taluk and District.

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2. This Court suo motu impleaded **(1) The District Collector, Kancheepuram as the seventh respondent in WP No.5129 of 2014 and sixth respondent in WP Nos.5329 to 5347 of 2014, (2) The Superintendent of Police, Kancheepuram as the eighth respondent in WP No.5129 of 2014 and seventh respondent in WP Nos.5329 to 5347 of 2014. Mr.T.Arunkumar, learned Additional Government Pleader takes notice for the respondents 7 and 8 in WP No.5129 of 2014 and for respondents 6 and 7 and 8 in WP Nos.5329 to 5347 of 2014 respectively and for (3) The Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Kancheepuram as the ninth respondent in WP No.5129 of 2014 and eighth respondent in WP Nos.5329 to 5347 of 2014. Mr.K.Karthikeyan, learned Government Advocate takes notice for the ninth respondent in WP No.5129 of 2014 and for eighth respondent in WP Nos.5329 to 5347 of 2014 respectively.**



3. Aggrieved from and out of the order passed by the second respondent-President and Assistant Commissioner, the Revenue Court, Cuddalore in proceedings dated 30.01.2012, evicted the writ petitioners from the agricultural lands belonging to the first respondent-Temple.

4. The learned counsel appearing on behalf of the writ petitioners made a submission that the writ petitioners are agricultural tenants cultivating the lands which are allotted to them by the third respondent-Cooperative Society, which is registered under the provisions of the Tamil Nadu Cooperative Societies Act, 1983. Admittedly, the subject land belongs to the first respondent-Temple situated at Kovur, the Suburban of Chennai City.

5. The petitioners were cultivating three bogum of paddy during the relevant point of time.

6. The learned counsel for the petitioners reiterated that the procedures as contemplated under the provisions of the Tamil Nadu Public Trust (Regulation of Administration of Agricultural Lands) Act, 1961, has



not been followed by the respondents, while passing the order impugned against the writ petitioners. The writ petitioners are the cultivating tenants and they acquired the Tenancy right through the third respondent-Society, which is a registered Cooperative Society.

7. The very eviction proceedings initiated by the third respondent per se is erroneous, since Section 19(3)(a) of Act 1961, contemplates the procedures for evicting the cultivating tenants. Sub Section (1) of Section 19 states that any Public Trust may evict any cultivating tenant. Sub clause (a) of sub section (1) of Section 19 stipulates that a cultivating tenant, who owes any arrear on the date of commencement of the Act with respect to the rent payable to the public trust, does not pay such rent within a month after such date, or who, in respect of the rent payable to the public trust after the date of the commencement of this Act, does not pay such rent within a month after such rent becomes due, can be evicted. Sub Clause (e) of the same provision further contemplates that the cultivating tenant, who has willfully denied the title of Public Trust to the land can be evicted. Sub Section (2)(a) of Section 19 enumerates that a cultivating tenant under any public trust, may deposit before the authorized



officer the rent, or if the rent be payable in kind, its market value on the date of deposit, to the account of the public trust. Sub Section (3)(a) of Section 19 stipulates that the trustee of every public trust seeking to evict a cultivating tenant falling under sub-section (1) shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the authorized officer.

8. Relying on the above provisions, the learned counsel for the petitioner reiterated that none of the procedures contemplated under the Act has been followed in the case of the petitioners. While the petitioners are willing to pay returns, they are kept in dark and all proceedings are initiated behind their back without their knowledge and without even issuing or serving any notice to them. That being the case, the act of the respondents are in violation of the spirit of the Public Trust Act, 1961.

9. The learned counsel for the petitioners further contended that the third respondent-Society has been liquidated and official liquidator was appointed by the Registrar of Cooperative Societies under the provisions of the Tamil Nadu Cooperative Societies Act. Unfortunately, the Society in



which the petitioners are members, also had acted against the interest of the petitioners and thus the petitioners are constrained to approach this Court.

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10. The learned counsel for the petitioners made a submission that no doubt the very purpose of violating the tenancy lease agreement by few members are for constructing commercial complex in the temple property. However, the respondents instead of taking action only against those members, initiated action against all the members and therefore, the rights of the genuine members are also denied.

11. The learned counsel for the petitioner further relied on section 23 of the Public Trust Act, 1961, which provides rights and liability of cultivating tenant and public trust. Section 24 states that what is fair rent. Under Sub Section (1) 'Fair Rent' shall be 25 per cent of the normal gross produce or its value in money. However, the rent determined by the Society indicates that it is not in consonance with the spirit of Section 24 of the Public Trust Act and therefore, exorbitant rent levied by the respondents are untenable on the face of the provisions of the Public Trust Act. Section 25 speaks about fair rent which may be paid in cash or in kind. Sub Section (1)



of Section 25 states “The fair rent in respect of any land may be paid either in cash or in kind or partly in cash and partly in kind, in accordance with the terms of the contract between the public trust and the cultivating tenant; and in the absence of such a contract, the fair rent may be paid at the option of the cultivating tenant in any one of the above ways.”

12. Relying on the said provision, the learned counsel for the petitioners state that it is not that the rent is to be paid only by cash, even the agricultural produces may be given in lieu of rent under the provisions of the Act. That being the scope of the Act, actions initiated without providing any opportunity to the petitioners are in violation of the principles of natural justice and contrary to the provisions of the Tamil Nadu Public Trust Act. Thus the impugned orders are to be set aside.

13. The learned Senior Counsel appearing on behalf of the first respondent-temple, strenuously objected the contentions raised by the petitioners by stating that the writ petitions are not maintainable. With reference to the provisions of the Tamil Nadu Public Trust Act, the petitioners are not tenants recommended by the first respondent-temple. The



temple is not a party to the contract entered into between the third respondent and the writ petitioners. The third respondent is a Cooperative Society and the first respondent entered into a lease agreement clearly stating that the lease is executed only for a limited purpose. The contention of the third respondent-Cooperative society that they are unaware of the fact that the beneficiaries or the agriculturists with whom the lands are handed over by the third respondent is only for the limited purpose of cultivating land is untenable.

14. Therefore, the act of the respondent temple cannot be held to be violative of the provisions of the Act. The petitioners have no locus standi to invoke the provisions of the Public Trust Act against the temple, since the subject property is belonging to the temple and there is no agreement between the temple and the writ petitioners. Thus the writ petitioners are alien, as far as the temple is concerned and therefore, no relief can be granted against the temple and its properties and thus the petitioners are not entitled for the relief.



15. The learned Senior Counsel for the first respondent-Temple drew the attention of this Court with reference to the definitions enumerated under the Tamil Nadu Public Trust Act. Section 2(3) defines co-operative farming society as “co-operative farming society means a society registered under the Co-operative Societies Act and consisting only of persons who have become members of that society with a view to cultivate land belonging to a public trust in accordance with the provisions of this Act”

16. Section 2(5) defines cultivating tenant-(i) means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied; and (ii) includes- (a) any such person who continues in possession of the land after the determination of the tenancy agreement; (b) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land; or (c) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land; (iii) does not include a mere intermediary or his heir. Explanation: For purposes of Chapter III and IV, a co-operative farming society shall be deemed to be a



cultivating tenant.

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17. Section 2(25) defines Public Trust as 'Public Trust' means a trust for a public purpose of a religious or charitable, or of an educational nature and includes - “(i) any temple, math, mosque, church or other place by whatever name known, which is dedicated to, or for the benefit of, or used as of right by, any community or section thereof as a place of public religious worship.”

18. Relying on the above definitions contemplated under Section 2 of the Act, the learned Senior Counsel contended that Cooperative Farm Society means a Society registered under the Cooperative Societies Act and the members of the Cooperative Societies are permitted to cultivate the lands belonging to the Public Trust (first respondent-Temple).

19. 'Cultivating Tenant' has been defined as a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied. The clause (iii) of the definition states that the



cultivating tenant does not include mere intermediary or a heir. Therefore, in the present case, the writ petitioners are intermediaries and they are not tenants as far as the first respondent temple is concerned.

20. Intermediaries are excluded from the provisions of the Act as they are not falling within the definition of the cultivating tenants. Explanation clause given under the definition of cultivating tenants amplifies that for the purpose of Chapters III and IV, a Cooperative Farming Society shall be deemed to be a cultivating tenant. Therefore, cooperative farming society can be a cultivating tenant under the provisions of the Public Trust Act and in the present case, the Tenancy Agreement was entered into between the first respondent-temple and the third respondent cooperative society and therefore, the writ petitioners are mere intermediaries under the provisions of the Act and cannot be described as cultivating tenants within the meaning of the Act.

21. Section 2(25) defines Public Trust as a trust for a public purpose of a religious or charitable, or of an educational nature, and includes- (i) any temple, math, mosque, church or other place by whatever



name known, which is dedicated to, or for the benefit of, or used as of right by, any community or section thereof as a place of public religious worship;

(ii) any charitable or educational institution of a public nature. Therefore, the first respondent-temple falls under the definition of public trust and for the purpose of understanding the tenancy agreement, which is to be construed that the temple is the public trust within the meaning of section 2(25) of the Act and the first respondent-temple entered into the tenancy agreement with the third respondent-Cooperative Society which is governed under the provisions of the said Cooperative Societies.

22. At the outset, there is no direct agreement or linkage between the writ petitioners and the first respondent-temple. The rights of the writ petitioners are to be claimed only through the third respondent-Cooperative Society and therefore, the writ petitions instituted against the first respondent-temple with regard to the property belonging to the first respondent-temple property is untenable and thus the writ petitions are to be rejected in limine.



23. The learned Senior Counsel relied on the lease agreement lastly entered into between the first respondent-temple and the third respondent. In the year 1979, the lease period was granted initially for one year through the lease agreement dated 11th June 1965. The lease agreement indicates that on expiry of the period, the lease rents are to be handed over to the first respondent-temple. The third respondent-Society who signed the lease agreement had undertaken that the lands will be handed over to the first respondent-temple on expiry of lease period. Similar clauses are adopted in the subsequent lease agreement entered into between the first respondent and the third respondent. The lease agreement entered in the year 1979 also stipulates the same condition and accordingly, the third respondent-Society was obligated to hand over the agricultural lands to the first respondent-temple on expiry of the lease period.

24. While-so, the third respondent has failed to comply with the terms and conditions agreed between the parties and therefore, the first respondent initiated action by instituting the petition before the second respondent. The order dated 30.01.2012 issued by the second respondent reveals that an enquiry was conducted on 17.09.2001 and several



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adjournments were granted enabling the parties to present their case.

25. Finally after a lapse of eight years, the petitions were posted for hearing on 01.09.2009 and an interim order was passed on the said date. In the interim order, the third respondent-Cooperative Society was directed to pay the rental arrears of Rs.4,02,449/- on or before 18.10.2010. The said arrears of rent was directed to be paid in four installments. Again the petitions were taken up for hearing on 30.01.2012 and the first respondent-Temple Authorities appeared before the Revenue Court and informed that the third respondent-Cooperative Society has not paid any arrears of lease amount and violated the interim orders passed by the Revenue Court. Even after expiry of the lease period, the rent fixed by the Revenue Court on 18.10.2010, was not paid by the third respondent-Cooperative society to the first respondent-Temple. Thus the second respondent-Revenue Court has made a categorical finding that the third respondent has no intention to settle the arrears of rent even after the lapse of five years and therefore, no further leniency to be shown and accordingly, ordered for eviction of the third respondent from the property belonging to the first respondent-Temple.



26. There is no financial loss on account of non-payment of the arrears of rent by the members/writ petitioners herein. The Cooperative Society was constituted by the members for the welfare of its members and the members committed default at large and the Society became defunct. Since the society sustained financial loss to the tune of Rs.37,43,338.31, the Deputy Registrar of Cooperative Society, Kancheepuram, initiated action under Section 137(2) of the Tamil Nadu Cooperative Societies Act and accordingly, the Society was liquidated. Consequently a liquidator was appointed by the Competent Authority, who took charge of the administration of the Society.

27. Under Section 137(2) of the TamilNadu Cooperative Societies Act, the registrar may on his own motion is empowered to initiate action to wind up the Society. Under Section 138 of the Act, the Registrar is empowered to appoint the liquidator for the purpose. The powers of liquidator are enumerated under Section 139 of the Cooperative Societies Act. The liquidator is empowered to investigate the schemes against the registered Society and decide the question of priority arising between the



claimants. The liquidator is vested with the powers to institute defence suits and other legal proceedings on behalf of the Registered society by the name of his office. Thus the liquidator is the Authority Competent under the provisions of the Tamil Nadu Cooperative Societies Act to defend the legal proceedings on behalf of the Society. The Deputy Registrar of the Cooperative Societies filed counter-affidavit categorically stating that there is an agreement between the Co-operative Society and its members. The following Clause speaks about the payment of rent by the members “that the prescribed lease amount is recoverable by the society even if no cultivation is made and even in the event of failure of monsoon.” Moreover in the rights and obligation of members as per by law No. 1, it is stated that “members will have occupancy right in his holding as long as he cultivates, pays his dues arisen by the by-law of the society an carrying out the instructions of the society in the cultivation of his holding, if he fails to abide by these conditions and is consequently expelled from the society”. Thus the members were not ready and willing to pay the lease amount and in such condition as fourth respondent has left with no other option, but to liquidate the society as provided under the Act and Rules and By-laws of the society.



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28. The details regarding the subject properties are narrated in paragraphs 6(e) of the counter, which reads as under:-

“(e) Of the 77 land holding members, 20 members were died and only 49 members are in the member list when an inspection under Section 82 of Tamil Nadu Cooperative Societies Act, 1982 ordered into the affairs of the Society in proceedings Rc.1017/2013/A3 dated 15.05.2013. Out of 49 members 44 members have become defaulters. In the statutory inspection under Section 82 of the Act, was conducted, the Inspection Officer has issued summons to all the 44 members and only 16 members have attended the proceedings on 05.06.2013, 18.06.2013 and 27.06.2013 and gave their depositions accepting their arrear rent payable to the third respondent Cooperative Society. Many of the writ petitioners have also given their deposition before the Inspection Officer. When the statutory inspection was concluded, the members have to pay lease rent arrears of Rs.51,38,906/- to the third respondent Cooperative Society and in turn the third respondent has to pay Rs.40,29,002/- as



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arrear rent to the first respondent Temple Administration.”

29. The fourth respondent states that the petitioners had not paid the arrears of rent kuthogai of Rs.50 lakhs upto the Fasli year 1422. The petitioners have no keen interest in paying the huge arrears and the arrears of rent are due to the temple and can be paid only when members pay their arrears of rent and thus the petitioners have violated the agreement made with the third respondent.

30. The contention of the petitioners that they are entirely depending on the temple properties for livelihood is utter false and the petitioners are well off and they doing their own business. The petitioners have not been cultivating the lands, which they have got from the third respondent society for cultivation. The petitioners have converted the temple land for commercial purpose and they leased the land to the third parties. If at all it is true that the petitioners are cultivating in the temple land, they ought to have produced chitta, Adangal to the statutory inspecting officer that the temple lands are still cultivated by them. The petitioners



have not used the temple land for the purpose for which the land was given for lease to them. The petitioners have leased out the temple land to the third parties for commercial purpose and they are earning huge amount of rent.

31. The third respondent-Cooperative Society is entrusted with the liquidation Officer as per Section 138(2) of the Tamil Nadu Cooperative Societies Act. If at all the petitioners are honestly willing to pay their rent they should have paid a rent to the respondent Society in the last 8 years when the case was pending before this Court. The third respondent-Cooperative society have faced a cumulative loss of Rs.37,43,338 as on 2011-2012 as per Audit Report. The scope for revival of the third respondent-Society is remote under this state of affairs.

32. Interestingly, the fourth respondent deputy Registrar of Cooperative society, who is the Controlling Authority of the third respondent-Cooperative society, himself filed counter-affidavit stating that the writ petitioners are not utilising the agricultural land for the purpose for which it was granted to them and therefore, they are not entitled for any



relief. The writ petitioners are not cultivating the lands. More-so, they have gone to the extent of utilising the temple land for commercial purposes and earning huge money by leasing out the temple properties to the third parties. Such serious allegations are placed before this Court even by the fourth respondent and the third respondent, with whom the petitioners have entered into an agreement for cultivating the temple lands.

33. The fourth respondent in proceedings dated 04.02.2014 informed the third respondent that the petitioners are to be evicted from the temple land and the temple land is to be handed over to the first respondent-Temple Authorities.

34. With reference to the temple properties, they are to be protected in the interest of the temple and the Deities. This Court has categorically considered the duties and the liabilities of the officials of the HR & CE Department and the temple Authorities, who all are acting as parentia in respect of the temple properties. This Court considered the case of **N.C.Sridhar vs. Secretary to Government [decided on 15.09.2021 in WP No.17570 of 2021]**, and the relevant paragraphs 42, 44, 47, 53, 56, 58,



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59, 60, 63, 64 and 65 are extracted hereunder:-

“42. The learned Advocate General, based on the report filed by the respondents, contended that an Identifying Committee was constituted, consisting (1) Executive Officer/Trustee/Fit Person/Hereditary Trustee etc., of the concerned temple, (2) The Village Administrative Officer, and (3) Field Surveyor (Retired). The said Committee shall physically identify each and every properties belonging to the religious institutions. The Scrutinizing Committee, at each District Level consisting of (1) The Assistant Commissioner of the concerned Division (2) Tahsildar or Deputy Tahsildar (Retd), (3) Village Administrative Officer, and (4) Field Surveyor (Retired). The Scrutinizing Committee, on obtaining the records from the Identifying Committee will scrutinize the relevant Revenue Records and other documents and submit a report to the Commissioner with a certification that the properties identified are belonging to the religious institution.

44. Actions for removal of encroachments were initiated by invoking Section 78 of the HR & CE Act, 1959. Already actions have been initiated against 8,188 encroachers covering an extent of 4,118 Acres



of land. Actions is about to be taken against 10,930 encroachers covering an extent of 3,526 acres of lands. So far, from 16.05.2011 to 06.05.2021, an extent of 3,177 Acres of lands, 629 Grounds of Vacant Site, 343 Grounds of buildings have been retrieved worth of Rs.3,819 crores. From 07.05.2021 to 09.09.2021, an extent of 214 Acres of lands, 217 grounds of vacant site, 2 grounds of buildings, 15 grounds of temple tank-worth of Rs.925 crores have been retrieved. The enquiry into the removal of encroachment proceedings pending before the Regional Joint Commissioners are being continued against all such encroachers.

47. The details of land and immovable properties belonging to each and every religious institution have been uploaded in the Department Website for viewing by the public. The Register of Properties (Section 29 Register) of all the religious institutions, have been digitalised by the Department. The survey of lands by Licensed Surveyors with Rover equipment are being done to have a comprehensive record of the landed properties belonging to all the religious institutions. The Department has also engaged the services of 142 licensed Surveyors and 50 Rover equipments, on the



advice of the Director of Survey and Settlement Department to identify, earmark the boundaries of each parcel of the land, lay survey stones and to upload the progress of work in the Google spread sheet daily.

53. The learned Advocate General reiterated that swift actions are initiated in all respects for speedy recovery of encroached properties belonging to the religious institutions across the State of Tamil Nadu and further actions are initiated to deal with the cases of misappropriation, theft, etc., Thus, by following the said procedures, the case of the petitioner is also to be enquired into and all appropriate actions are to be initiated. It is brought to the notice of this Court that several crores worth of properties belonging to the subject temple is under encroachment and therefore, the authorities must be allowed to conduct an enquiry by following the procedures as contemplated under law for the purpose of retrieving the temple properties from the hands of the encroachers and to recover the misappropriated funds from the offenders. In order to conduct free and fair enquiry, an order of suspension is passed. Thus, the writ petition is to be rejected.

56. The “Deity ” in the temple is a “minor”



*and the Court should be astute to protect the interests of an idol in any litigation. Therefore, when the trustee or the Executive Officer or the custodian of the idol, temple and its properties, leave the same in lurch, any person interested in respect of such temple or worshipping the 'Deity' can certainly be clothed with an adhoc power of representation to protect its interest. Where the persons in management of a temple failed to protect the interest of the temple diligently, the Court is empowered to take notice of such facts and deal with the issues in an appropriate manner. The Court is bound to take notice of the fact that the Executive Officers appointed in the temples are being changed periodically and in many a case, they do not get fully acquainted with the history or affairs of the temple. If there is lapses, slackness or negligence on the part of the Executive Officer and the trustees of the temple, **"it is the duty of the Court to ensure that the 'Deity' does not suffer thereby. The Courts should be astute to protect the interests of an idol in any litigation."***

57. Fraudulent and illegal encroachments of temple properties is a crime against the society at large. Misappropriation of the funds of the temple is



undoubtedly an offence and all such offences are to be registered and the offenders are liable to be prosecuted by the State as the State is the controller of these temples and the offences are also committed against the State. Temple properties are allowed to be looted by few greedy men and by few professional criminals and land grabbers. Active or passive contribution and collusion by the officials of the HR & CE Department cannot be overruled. These lapses, negligence, dereliction of duty on the part of such public officials are also to be viewed seriously and all appropriate actions in this regard are highly warranted.

58. The properties of deities, temples and Devaswom Boards, require to be protected and safeguarded by their Trustees/Archaks/Sebais/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active collusion of the concerned authorities. Such



acts of 'fences eating the crops' should be dealt with sternly. The Government, members or trustees of Boards/Trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.

59. Therefore, beyond the private right, a public right is involved in such matters. When a public right is involved and the allegations are far more serious, then the Courts are expected to step-in and deal with such matters sternly and in an appropriate manner, failing which, the High Court is failing in its duty to exercise its Constitutional obligations.

60. The facts and circumstances would reveal that comprehensive directions are necessarily to be issued to protect the funds and properties of the temple and to preserve the public right in respect of such temples falling under the control of the competent authorities of the HR & CE Department.

63. Goondas Act (Tamil Nadu Act 14 of 1982). Sub-Section (a) to Section 2 of the Goondas Act defines “acting in any manner prejudicial to the



maintenance of public order”. Sub-Clause (v) enumerates that “in the case of a slum-grabber, when he is engaged, or is making preparations for engaging, in any of his activities as a slum-grabber, which affect adversely, or are likely to affect adversely, the maintenance of public order”. Sub-Section (h) to Section (2) defines “Slum-grabber” means a person, who illegally takes possession of any land (whether belonging to Government, local authority or any other person) or enters into, or creates illegal tenancies or leave and licence agreements or any other agreement in respect of such lands; or who constructs unauthorised structures thereon for sale or hire, or gives such lands to any person on rental or leave and licence basis for construction or use and occupation of unauthorised structures thereon, or who collects or attempts to collect from any occupier of such lands, rent, compensation or other charges by criminal intimidation or who evicts or attempts to evict any such occupier by force without resorting to the lawful procedure; or who abets in any manner the doing of any of the above-mentioned things.

64. In view of the provisions of the Act and Rules, all such persons, who have involved in



encroachment activities, fraudulent transactions, illegal documents in respect of the temple properties across the State are liable to be prosecuted, considering the nature and velocity of the offences committed by such persons. In some cases, actions may be required under the HR & CE Act and in other cases, serious actions under the criminal law are required. In extreme cases, the provisions of the Goondas Act is to be invoked by the Police based on the facts to facts basis. In such circumstances, the respondents shall not hesitate to invoke the provisions of the Goondas Act against such professional land grabbers and persons involved in encroachment and illegal activities in respect of the temple properties at large for personal and unjust gains.

65. It is to be borne in mind that the Minor Deity's properties are looted by few greedy men and by some offenders, who all are liable to be prosecuted on the lines enumerated above. The Director General of Police, Mylapore, Chennai – 600 004, is suo-motu impleaded as third respondent in the present writ petition only for the limited purpose of providing Police Protection to the officials of the Government Departments.”



35. With reference to the submissions made on behalf of the petitioners, the provisions of the Tamil Nadu Public Trust Act, is of no avail for them to secure any relief from this Court. The definitions more elaborately considered in the aforementioned paragraphs, would reveal that a Cooperative Farming Society means a Society registered under Cooperative Societies Act.

36. The third respondent is the cultivating tenant and it does not include the mere intermediary or heir. The definition stipulates that a Cooperative Farming Society shall be deemed to be a cultivating tenant. Therefore, the writ petitioners are not falling under the definition of 'cultivating tenant' under Section 2(5)(iii) and accordingly they are to be construed as intermediaries as far as the Tamil Nadu Pubic Trust Act is concerned.

37. 'Public Trust' means a trust for a public purpose of a religious or charitable, or of an educational nature and includes any temple. Thus the temple in all these cases is the public trust and the first respondent-



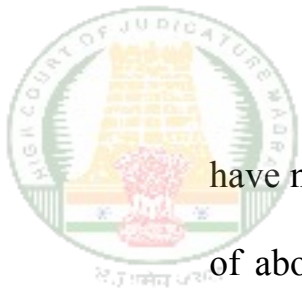
temple entered into a Tenancy Agreement with the third respondent-Cooperative Society and therefore, the Tenancy Agreement entered into between the first respondent and the third respondent cannot confer any right to the petitioners to claim the benefit of the Lessee or otherwise.

38. The rights of the petitioners are to be claimed only against the third respondent-Cooperative Society. The third respondent-Cooperative Society is registered under the provisions of the Tamil Nadu Cooperative Societies Act and therefore, the members of the Society will have right against the third respondent-Cooperative Society under the provisions of the Tamil Nadu Cooperative Societies Act. Therefore, the Tamil Nadu Public Trust Act, 1961 has no application in respect of the case of the petitioners. If at all the petitioners are aggrieved from and out of any action of the third respondent-Cooperative Society, they being the members have got a redressal mechanism under the provisions of the Tamil Nadu Cooperative Societies Act and therefore, they can approach the Competent Authorities as contemplated under the Tamil Nadu Cooperative Societies Act. Thus it is unambiguous that the petitioners cannot directly seek any relief against the first respondent, who has initiated action against the third respondent-



Cooperative Society for the purpose of resumption of temple land, which was leased out by the first respondent to the third respondent-Cooperative Society. If at all the petitioners have to raise any claim, they have to raise only through the third respondent-Cooperative Society as they are the members of the Cooperative Society and it is only the Cooperative Society which has entered into an agreement with the first respondent.

39. In all these cases, the learned Additional Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the third respondent-Cooperative Society represented the case instituted by the temple on behalf of its members and therefore, the contention of the petitioners that they are kept in dark and all proceedings are initiated behind their back without their knowledge without even issuing or serving any notice to them is untenable. The third respondent-Cooperative Society participated in all legal proceedings initiated by the Temple Authorities and even the interim order passed by the Revenue Court to settle the arrears was communicated to the Cooperative Society, which was informed to its members to settle the same in respect of the information passed by the third respondent-Society to its members. The arrears of rent



have not been settled for several years and the Revenue Court after the lapse of about 11 years has passed an order of eviction against the Cooperative Society, which in turn is liable to evict their own members and handover the subject property to the first respondent-Temple.

40. This court is of the considered opinion that the cases on hand are classic cases, where under the guise of the membership of the third respondent-Society, the writ petitioners are attempting to continue in the temple property without any authority and in the absence of any tenancy agreement. The cultivating activities also are not being done. Even as per the respondent temple, the petitioners have started subletting the property for commercial purposes and earning huge money for personal gains, which is unjust and illegal.

41. The Lease Agreement admittedly was between the first respondent-temple and the third respondent-Cooperative Society. The first respondent-temple issued notice to the Society, who is a Lessee. There is no contractual obligation between the members of the third respondent-Cooperative Society and the first respondent-temple. The third respondent-



Cooperative Society has been constituted and registered under the provisions of the Tamil Nadu Cooperative Societies Act. Thus the members are empowered to constitute an Executive Committee or convene General Body Meetings and take decisions. The Special Officer appointed by the Government is exercising the powers of the Board and the members of the Society have got every right to approach the Special Officer or the elected Board as the case may be for the purpose of redressing their grievances or otherwise. However, the petitioners have no locus standi to raise allegations against the first respondent-temple. Since they are not parties to the Lease Agreement and the lands were allotted to the petitioners only through the third respondent-Cooperative Society. The first respondent-temple has no knowledge about the allocation of lands to its members. The temple has executed the Lease Agreement in favour of the third respondent, who is answerable to the Temple Administration. Therefore, the first respondent-temple is not obligated to issue any notice to the members of the third respondent-Cooperative Society. The third respondent-Cooperative Society participated in all proceedings, including eviction proceedings before the Competent Authority representing the members of the Cooperative Society.



42. Pertinently the Tenancy Agreement entered between the first respondent-temple and the third respondent-Cooperative Society expired in the year 1981 and the members of the third respondent-Society are in illegal occupation of the temple properties. Curiously, the respondents 3 and 4 have informed that they have no option except to liquidate the society and accordingly, the society expressed their inability to evict its own members. It shows the high handedness of the occupiers of the temple land knowing the fact that the land value in that locality is sky rocketing and they are earning huge money by constructing illegal buildings and subletting the temple property for commercial purposes. The property situates in the Suburban Area of Chennai City and the market value of the land would be several crores.

43. That being the factum, some greedy men are attempting to grab the land by litigating the matter one way or the other. In the writ petition, filed in the year 2011, interim order was granted and the writ petitioners are in occupation of the temple properties by virtue of the interim order passed in the writ petition. Even during the pendency of these writ petitions, the petitioners have not paid any rental arrears to the third



respondent-Society, who in turn was not in a position to pay the same to the first respondent-temple, who is the owner of the property.

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44. The land grabber's attempt to take away the temple land in any form is intolerable. Any litigious occupation of the temple property, which is more valuable and causing loss to the temple, are to be dealt with appropriately without any loss of time. Loss of time would result in infringement of the right of a Deity, who is a minor. The temple sustained huge monetary loss on account of appropriation of the land belonging to the temple by the members of the third respondent-Society and the administration of the third respondent-Society became incapable of dealing with its own members for the purpose of resumption of lands and handing over the same to the first respondent-temple even after an order of eviction passed.

45. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders:-

(1) The reliefs, as such, sought for in all these writ petitions are rejected.



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(2) The District Collector, Kancheepuram District is directed to implement the eviction order passed by the Revenue Court in the year 2012 in proceedings No.PTA 187/20031 (MP 15/08) dated 30.01.2012 and accordingly carry out the eviction of all the occupants of the temple lands by conducting survey through a qualified Surveyors and with the assistance of the Special Tahsildar (Temple Lands).

(3) The unauthorised and illegal occupants of the temple lands are directed to be evicted within a period of four weeks from the date of receipt of a copy of this order.

(4) After eviction of the members of the third respondent-Cooperative Society and the persons representing such members of the third respondent-Cooperative Society from the temple land, the District Collector shall hand over the entire property to the first respondent-Temple Authorities, who in turn is directed to deal with the Temple property in the manner contemplated under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

(5) The first respondent with the assistance of the respondents 3 and 4 shall collect the arrears of rent to be paid by the members of the third respondent-Cooperative Society and initiate all appropriate actions to



recover the arrears of rent due to the temple by following the procedures contemplated under law.

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46. With the above directions, all the writ petitions are disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

The Registry is directed to list the matter before this Court under the caption 'For Reporting Compliance' on 30.06.2023.

26-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. Executive Officer,
Arulmighu Sundereeswarar Swami
Thiru Kovil,
Kovur (Via) Mangadu,
Sriperumbudur Taluk,
Kancheepuram District.
2. The President and Assistant Commissioner,
Revenue Court Cuddalore,
at 6B, Ramadass Street,
Pudupalayam,
Cuddalore.
3. The Special Officer,
G 1732, Kovur Agricultural Cooperative
Farms Society,
Having Office at:
Kovur Agricultural Cooperative Urban Bank,
Kovur (via) Mangadu,
Sriperumbudur Taluk,
Kancheepuram District.
4. Deputy Registrar of Cooperative Societies,
Cooperative Societies,
Kancheepuram Town and Taluk,
Kancheepuram District.
5. The Special Revenue Inspector (Enforcement),
Revenue Court Cuddalore,
at 6B, Ramadass Street,
Pudupalayam,
Cuddalore.



6. The District Collector,
Kancheepuram.

7. The Superintendent of Police,
Kancheepuram.

8. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Kancheepuram.



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WP Nos.5129 and 5329 to 5347 of 2

S.M.SUBRAMANIAM, J.

Svn

WPs 5129 and 5329 to 5347 of 2014

26-04-2023