



Writ Petition No.16995 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.16995 of 2023

and

W.M.P.No.16202 of 2023

G.Ramkumar
S/o.Gopu Iyer

...Petitioner

Vs

1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai - 600 034.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Dharmapuri - 636 701.

4.The District Collector,
Dharmapuri - 636 405.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from dispossessing the petitioner from the lands located in S.No.570/1A1,



Writ Petition No.16995 of 2023

570/1A2, to an extent of 1.32 hectare and in S.No.575 to an extent of 1.38 hectare in Sunchal Natham Village, Dharmapuri District.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.S.Arumugam
Government Advocate [R1 & R4]
Mr.S.Yashwanth
Additional Government Pleader [R2 & R3]

ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents from dispossessing the petitioner from the subject property unless otherwise by due process of law.

2. Heard Mr.P.Kannan Kumar, learned counsel for petitioner, Mr.S.Arumugam, learned Government Advocate appearing for respondents 1 and 4 and Mr.S.Yashwanth, learned Additional Government Pleader appearing for respondents 2 and 3.

3. The case of the petitioner is that he is managing the administration of Sri Dimmarayaswamy Temple in Eriyur at Dharmapuri District. The petitioner claims to be in possession and enjoyment of 1.38 hectares of



Writ Petition No.16995 of 2023

temple land. It is the admitted case of petitioner that patta has been issued in the name of the temple.

4. The grievance of the petitioner is that attempts are being made by the fourth respondent to illegally evict the petitioner on the ground that there is a proposal to construct a college. Aggrieved by the same, the present writ petition has been filed before this Court seeking for a direction to the respondents not to evict the petitioner unless and otherwise by due process of law.

5. Learned Additional Government Pleader appearing on behalf of respondents 2 and 3 submitted the written instructions received from the Executive Officer of the temple. It is seen that Sri Dimmarayaswamy Temple is the owner of nearly 1.38 hectares of land. That apart, there are two other temples viz., Arulmighu Mariamman Temple and Arulmighu Vinayagar Temple. A decision was taken by the Hindu Religious and Charitable Endowments Department [for brevity 'the Department'] to give portions of land from these three temples on a long lease for putting up a college hostel. This decision was taken since the Department wants to



augment income for the temples. It is also specifically stated that the subject temple is under the control of the fit person appointed in the year 2022. It has been mentioned in the written instructions that the petitioner is in occupation of a house and is doing agricultural activity in a portion of the property. Out of the total extent of 1.38 hectares, the proposal to give long lease pertains to only 0.86.70 hectares.

6. Learned Additional Government Pleader submitted that the petitioner does not have any right to prevent the Department from giving a portion of the property on a long lease to augment income for the temple. It was further submitted that insofar as the property in which the petitioner is in possession, separate proceedings will be initiated for eviction u/s.78 of the Hindu Religious and Charitable Endowments Act.

7. In the light of the above submissions, insofar as the portion, which is in occupation of the petitioner, the Department will take possession only by following the due process of law. Insofar as the other portion, which is going to be given on long lease to the first respondent, the petitioner does not have any say in that.



Writ Petition No.16995 of 2023

Accordingly, this writ petition is disposed of in the above terms. No

costs. Connected miscellaneous petition is closed.

08.06.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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Writ Petition No.16995 of 2023

N.ANAND VENKATESH, J

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Writ Petition No.16995 of 2023

08.06.2023