



W.P. Nos. 14241 & 14242 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. Nos. 14241 & 14242 of 2012

&

M.P. Nos. 2 & 2 of 2012

Subramani ..Petitioner in W.P. No.
14241 of 2012

R. Kamaraj ..Petitioner in W.P. No.
14242 of 2012

Vs.

1. The Commissioner,
Hindu Religious &
Charitable Endowments
Department,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,



W.P. Nos. 14241 & 14242 of 2012

Vellore.

WEB COPY

3. The Executive Officer,
Arulmighu Thirukatchinambigal
Varadarajaperumal Temple,
Poonamallee,
Chennai – 600 056.

..Respondents in both
writ petitions

Prayer: Petitions under Article 226 of the Constitution of India praying
for issue of a Writ of Certiorari to call for the records relating to the orders
passed in R.P. Nos. 65 & 76/2011 D2 dated 10.04.2012 on the file of the 1st
respondent herein and quash the same.

For Petitioner
in both W.Ps :: Ms.Padmaja Mohan for
 Mr. Ashok Menon

For Respondents
in both WPs :: Mr.K. Karthikeyan
 Govt. Advocate for R1 & R2
 Ms.Athiniveda for
 M/s.A.S. Kailasam Associates
 for R3

COMMON ORDER

(Order of the Court was made by **S. Vaidyanathan,J.**)

The writ petitions have been filed challenging the order dated
10.04.2012 passed by the 1st respondent in R.P. Nos. 65 & 76/2011 D2 by



W.P. Nos. 14241 & 14242 of 2012

which the revision petitions filed by the petitioners were dismissed thereby confirming the order dated 12.07.2011 passed by the 2nd respondent directing the petitioners, who claim to be lessees of the premises owned by the 3rd respondent, to vacate and hand over possession of the said premises.

2. The gist of facts resulting in filing of this writ petition:

The petitioners, who claim to be lessees of lands to an extent of 0.45 cents each situated in S.No. 37/2 in Ariamarndhanallore Village, Poonamallee Taluk, Tiruvallur District, owned by the 3rd respondent herein, on termination of tenancy, were asked to vacate the premises. Initially, enquiry was conducted under Section 78(1) of Hindu Religious and Charitable Endowments Act, 1959 by the 2nd respondent to remove the petitioners from the lands leased out to them. For want of compliance of the procedure contemplated under the Act, the proceedings were dropped and the 2nd respondent initiated fresh proceedings for terminating the lease and to evict the petitioners. Consequent thereto, an order dated 12.07.2011 was passed by the 2nd respondent directing the petitioners to vacate and hand over possession of the premises. Aggrieved by the same, the petitioners preferred revision petitions before the 1st respondent, which also came to be



W.P. Nos. 14241 & 14242 of 2012

dismissed by the impugned order. Hence, the present writ petition.

WEB COPY

3. During the pendency of the writ petitions, by order dated 14.03.2023, each of the petitioners was asked to deposit 25% of the total outstanding amount and the same was complied with, within the time stipulated by this Court. Memos dated 28.03.2023 were also filed by the 3rd respondent evidencing the said fact. Thereafter, by order dated 30.03.2023, the petitioners were directed to deposit the remaining outstanding amount. However, the said order was not complied with and therefore, this Court, in the order dated 05.07.2023, observed as hereunder:

“4. The petitioners, who are encroachers, cannot be permitted to occupy or encroach the land that belongs to the temple. In these circumstances, the respondents are directed to take immediate action to secure possession from the petitioners and report the same before this Court.....”

4. Today, when the writ petitions are taken up, it is submitted by the learned counsel for the 3rd respondent that nearly Rs.30 lakhs is due to be paid by each of the petitioners and pursuant to the orders of this Court



W.P. Nos. 14241 & 14242 of 2012

dated 05.07.2023, possession of the properties has been taken by the respondents on 14.07.2023. The 3rd respondent has also filed memos dated 21.07.2023 in each of the writ petitions to the above effect and the same is reproduced hereunder:

“In the above matter, the petitioners were due to pay the 3rd respondent an amount of Rs.29,82,276/- due as per order dated 30.03.2023 towards damages for property under their occupation and in view of the same, this Hon'ble Court passed an order directing the respondents to take possession of the property from the petitioners and to report compliance before this Hon'ble Court. The respondents have complied with the said order of this Hon'ble Court dated 05.07.2023 and have taken possession of the said property on 14.07.2023. This Memo is being filed to record that the respondents have taken possession of the property and complied with the order of this Hon'ble Court.”

5. In view of the memos filed by the 3rd respondent to the effect that possession has been taken, recording the same, the writ petitions stand closed. No costs. Connected M.Ps are closed.



W.P. Nos. 14241 & 14242 of 2012

6. Since the properties belong to the temple and possession has been taken, it is for the respondents to work out their remedy to recover arrears of rent in accordance with law.

(S.V.N.J.) (K.R.S.J.)

nv

21.07.2023

To

1. The Commissioner,
Hindu Religious &
Charitable Endowments
Department,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Vellore.
3. The Executive Officer,
Arulmighu Thirukatchinambigal
Varadarajaperumal Temple,
Poonamallee,
Chennai – 600 056.

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv



WEB COPY



W.P. Nos. 14241 & 14242 of 2012

W.P. Nos. 14241 & 14242 of 2012

21.07.2023