



W.P.(MD)Nos.29781 and 29782 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.29781 and 29782 of 2023

and

W.M.P.(MD)Nos.25697, 25698 and 25700 of 2023

W.P.(MD)No.29781 of 2023

S.Manikandan

... Petitioner

versus

1. The Joint Commissioner,
Hindu Religious Charitable and
Endowment Department,
No.H-306, TNHB Colony,
Ellis Nagar, Madurai – 625 016.

2. The Executive Officer,
Arulmighu Nindra Narayanaperumal
Thirukvoil,
Thiruthangal, Sivakasi Taluk,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, to forbear the
respondents from in any manner dispossessing the petitioner from his



W.P.(MD)Nos.29781 and 29782 of 2023

property comprised in Survey No.251/1A to an extent of 4.50 acres situated at Naranapuram Village, Sivakasi Taluk, Virudhunagar District except under due process of law.

For Petitioner : Mr.B.Saravanan,
Senior Counsel,
for Mr.C.Gangai Amaran
For R1 : Mr.P.Subba Raj,
Special Government Pleader
For R2 : Mr.Mahendran

W.P.(MD)No.29782 of 2023

A.Kannan

... Petitioner

versus

1. The Joint Commissioner,
Hindu Religious Charitable and
Endowment Department,
No.H-306, TNHB Colony,
Ellis Nagar, Madurai – 625 016.

2. The Executive Officer,
Arulmighu Nindra Narayanaperumal
Thirukvoil,
Thiruthangal, Sivakasi Taluk,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd



W.P.(MD)Nos.29781 and 29782 of 2023

respondent in his proceedings in ITMS No.35748 dated 20.11.2023 and quash the same as illegal and unconstitutional and consequently forbear the respondents from in any manner dispossessing the petitioner from his property comprised in survey No.251/1A to an extent of 4500 sq. feet situated at Naranapuram Village, Sivakasi Taluk, Virudhunagar District except under due process of law.

For Petitioner : Mr.B.Saravanan,
Senior Counsel,
for Mr.C.Gangai Amaran
For R1 : Mr.P.Subba Raj,
Special Government Pleader
For R2 : Mr.Mahendran

COMMON ORDER

The petitioners claim that they are the owners of the property in Survey Nos.251/1A and 251/1 of Naranapuram, Sivakasi Taluk, Virudhunagar District respectively. According to them, the lands originally belong to one Narayanasami Iyengar, S/o.Srinivasa Iyengar and Muthu Venkatachala Iyengar, S/o.Muthu Iyengar and they have permitted the petitioners' great grandfathers to raise crops in these lands. Subsequently, the legal heirs of the said Narayanasami Iyengar and Venkatachala Iyengar have executed a registered sale deed in



W.P.(MD)Nos.29781 and 29782 of 2023

favour of the petitioners' fathers in the year 1991. Thereafter, the petitioners have also put up houses in the said properties and they are residing there for several years. The patta also stands in the name of the petitioners' vendors. While so, the respondents are attempting to vacate the petitioners forcibly.

2. In W.P.(MD)No.29781 of 2023, the petitioner claims that the respondents are attempting to vacate him without invoking any provisions of law. In W.P.(MD)No.29782 of 2023, a notice was issued by the Executive Officer calling upon the petitioner to vacate the premises. By the impugned notice, the respondents claim that the subject lands are temple lands and since the petitioners are encroachers, they have to vacate the premises. Aggrieved over the same, the present writ petitions have been filed.

3. The learned Senior Counsel appearing for the petitioners submits that the petitioners have purchased these lands from the land



W.P.(MD)Nos.29781 and 29782 of 2023

owners by way of a registered document and they are in possession of the properties continuously. Even assuming that the lands are temple properties, for taking necessary action as against the occupiers of the temple properties, the Temple Administration has to initiate appropriate action in accordance with the provisions of Sections 78 of HR&CE Act and that too only through the competent authority, namely, the Joint Commissioner of HR&CE Department. In this case, the Executive Officer, who is not having any jurisdiction to issue notice, has issued the impugned notice calling upon the petitioner to vacate the premises.

4. Mr.Mahendran, learned counsel, who takes notice for the second respondent/the Executive Officer submits that the impugned notice in W.P.(MD)No.29782 of 2023 is only a show cause notice and it has been issued only to inform about the proposed action to be taken as against the petitioners.

5. According to the learned counsel for the second respondent,



W.P.(MD)Nos.29781 and 29782 of 2023

the subject lands are service inam lands vested with the said Narayanasami Iyengar and Venkatachala Iyengar and they are not supposed to sell the lands. Now, the petitioners claim that they are the owners of the properties by creating a record as if a sale deed dated 21.09.1991 has been executed by the legal heirs of the said Narayanasami Iyengar and Venkatachala Iyengar in favour of their fathers' names. Therefore, the said sale deed dated 21.09.1991 is null and void.

6. The learned counsel appearing for the second respondent further submits that the Temple Administration has also filed necessary applications before the District Revenue Officer, who in turn issued patta in the name of the temple and as on date, the lands stand in the name of the temple. Therefore, the Temple Administration is having every right to initiate action to vacate the petitioners in the manner known to law. He further submits that the Temple Administration would take necessary actions only through the competent authority,



W.P.(MD)Nos.29781 and 29782 of 2023

namely, the Joint Commissioner, HR&CE Department.

WEB COPY

7. In view of the submissions made by the learned counsel appearing for the second respondent that the impugned notice dated 20.11.2023 is a show cause notice and it has been issued to inform about the proposed action to be taken as against the petitioners and the Temple Administration would take necessary actions to vacate the petitioners only by invoking the provisions of HR&CE Act and only through the competent authority, namely, Joint Commissioner of HR&CE Department, these writ petitions are disposed of with liberty to the second respondent to take appropriate actions in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

22.12.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



W.P.(MD)Nos.29781 and 29782 of 2023

To

WEB COPY

1. The Joint Commissioner,
Hindu Religious Charitable and
Endowment Department,
No.H-306, TNHB Colony,
Ellis Nagar, Madurai – 625 016.
2. The Executive Officer,
Arulmighu Nindra Narayanaperumal
Thirukvoil,
Thiruthangal, Sivakasi Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD)Nos.29781 and 29782 of 2023

B.PUGALENDHI, J.

ogy

W.P.(MD)Nos.29781 and 29782 of 2023

22.12.2023