



WEB COPY



W.P. No. 1500 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1500 of 2024

and

W.M.P. No. 1514 of 2024

S.Kodikumar Tamilvel

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Nagapattinam District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Nagapattinam District.
4. The Executive Officer,
Arulmighu Swarnapureeswara Swamy Temple,
Therku Poigainallur Village,
Nagapattinam Taluk & District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Fourth Respondent pertaining to the impugned notice dated 21.10.2023 and quash the same as arbitrary, illegal and against the principles of natural justice and consequently direct the Third Respondent herein to consider



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representation dated 25.12.2012 for transfer of allotment in Petitioner name with respect to the subject matter property.

For Petitioner : Mr. P.Dinesh Kumar
For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. P.Dinesh Kumar, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The land in Survey No. 121/2A in Therku Poigainallur Village, Nagapattinam Taluk was originally leased by the Temple of the Fourth Respondent in favour of one M.Venkatachalam. Subsequently, on demise of the said M.Venkatachalam, the Petitioner claims to be in occupation of that property. The Fourth Respondent by impugned notice dated 21.10.2023 had terminated the lease and called upon the Petitioner to vacate from that property, which is challenged in this Writ Petition.



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3. It is not disputed that the property belongs to the Temple of the Fourth Respondent. It is settled position that lease in respect of the property belonging to the Temple could be granted only in accordance with the procedure laid down in Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short). In such circumstances, the occupation of the Petitioner is *per se* illegal and there is no infirmity in the impugned order passed by the Fourth Respondent.

4. Learned Special Government Pleader appearing for the Respondents submits that in the event of the Petitioner failing to vacate from the property, proceedings under Section 78 of the Act for his eviction would be initiated following due process of law.

In the result, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 20.03.2024.

vjt



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To

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P.D. AUDIKESAVALU, J.

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