



WEB COPY



W.P.Nos.18179 to 18189 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.18179 to 18189 of 2018
and
W.M.P.Nos.21479 to 21494 of 2018

W.P.No.18179 of 2018

K.R.Mariappa Mudaliar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Coimbatore,
Coimbatore District.

3.The Executive Officer,
Arulmigu Venugopalaswamy Thiru Kovil,
Sathiyamangalam Nagar,
Erode District.

... Respondents

Prayer in W.P.No.18179 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned notice issued by the 3rd respondent in No.Nil dated 01.06.2018 and to quash the same.



W.P.Nos.18179 to 18189 of 2018

For Petitioner : Mr.G.Sankaran
(in all WPs) Senior Counsel
for Mr.S.Nedunchezhiyan
For Respondents : Mr.N.R.R.Arun Natarajan
(in all WPs) Special Government Pleader

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by this common order.

2. The case of the petitioners is that, Arulmigu Venugopalaswamy Thirukovil is a notified temple under the provisions of Hindu Religious and Charitable Endowment Act. The fact remains that the land outside the temple adjoining to the compound wall belong to the temple. Thirty years ago, the 3rd respondent temple had allotted vacant site to an extent of about 150 sq.ft. to each individual for the purpose of construction of shops on making payment of vacant site rent to the temple. Accordingly, the petitioners and their predecessors were allotted vacant site for construction of shops, in which, the petitioners constructed shops in their



W.P.Nos.18179 to 18189 of 2018

respective places with titled sheet for which they are making payment of

rent to the temple which is subjected to periodical revision. At the

instance of fire accident took place in a Mandapam within Arulmigu

Meenakshi Sundareswarar Temple in Madurai in the month of February,

2018, as a measure of regulating the shops inside the temple, in order to

avoid any such incident in future, the 1st respondent issued a circular

dated 14.02.2018, at the first instance to regulate the Senior Grade

temples by carrying out various measures including to relocate the shops

inside the temple and the shops abetting the compound wall of the

temple. In the said circular, it is made clear that fire audit to be conducted

in each temple coming under Senior Grade temple category by which the

conditions as stated therein to be complied with and to be reported back

and it is called to report compliance of the circular based on which,

further instructions would be issued by the department thereafter. While

that being so, when the 3rd respondent temple is Grade-1 Temple below

to Senior Grade Temple and there is no fire audit conducted in respect of

3rd respondent temple, suddenly the 3rd respondent issued the impugned

notice dated 01.06.2018, calling upon the lessees of shops located

outside the compound wall of the temple to vacate the premises within a

period of 30 days apart from payment of rental arrears without any



W.P.Nos.18179 to 18189 of 2018

default. Accordingly, the impugned notice for eviction came to be issued by 3rd respondent by referring to the circular issued by the 1st respondent dated 14.02.2018 in contravention to the said circular and in violation of principles of natural justice and the procedure established by law. Challenging the same, the present writ petitions are filed.

3. Learned Senior Counsel appearing for the petitioners submitted that, as on date, the petitioners are paying the rent regularly without any default as per the periodical revision done by the 3rd respondent. He further submitted that the petitioners' shops are not situated inside the temple, but outside the temple, which is adjacent to the compound wall. Further, he submitted that, in the view of the interim order granted by this court, the petitioners are continuously running the shops, without any interference. Hence, on instructions, learned Senior Counsel, submitted that the petitioners are ready to abide any conditions, including the condition that they will not sell any plastic or polythene products to the devotees of the temple.

4. Learned Special Government Pleader appearing for the respondents submitted that, the shops are situated outside the temple and



W.P.Nos.18179 to 18189 of 2018

there are 50 house sites and 25 shops, totally, 75 shops were rented and the rents received from the said 75 shops was the major source of income to the temple. He further submitted that, out of the 75 shops, only 11 persons have filed the present writ petitions and the said shops are hindrance to the temple administration. Hence, he submitted that, this court may permit the respondents to fix fair rent as per the fair rent fixed by the committee. Further, he submitted that, this court may issue a direction to the petitioners to execute a gift deed in respect of the super-structure in favour of the 3rd respondent temple as per G.O.(Ms.)No.131, dated 18.05.2004 and G.O.(Ms.)No.277, dated 02.12.2005. If such undertaking is given before the 3rd respondent, the 3rd respondent will regularize the petitioners' tenancy with the 3rd respondent. Accordingly, he prays for appropriate conditions mentioned in the above said two G.O.

5. In view of the submissions made by the learned Senior Counsel appearing for the petitioners and the consent view expressed by the learned Special Government Pleader appearing for the respondents, without interfering with the impugned notice issued by the 3rd respondent, this court is inclined to dispose of these writ petitions in the following terms :-



W.P.Nos.18179 to 18189 of 2018

WEB COPY

(i) the petitioners are directed to continue to pay the rent as revised by the 3rd respondent temple till the fair rent committee fixes the fair rent and thereafter, the petitioners are directed to pay the fair rent to be fixed by the 2nd respondent as per G.O.(Ms.)No.131, dated 18.05.2004 and G.O.(Ms.)No.277, dated 02.12.2005 ;

(ii) the petitioners are directed not to sell any plastic, polythene or china products to the devotees of the 3rd respondent temple ;

(iii) the petitioners are directed to execute a gift deed in respect of the super-structure in favour of the 3rd respondent temple and pay 15 times the fair rent to be fixed by the 2nd respondent in terms of G.O.(Ms.)No.131, dated 18.05.2004 and G.O.(Ms.)No.277, dated 02.12.2005, which was upheld by this court.

6. With the above directions, these Writ Petitions are disposed of.

No costs. Consequently, the connected writ miscellaneous petitions are closed.

19.09.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

sp



WEB COPY



W.P.Nos.18179 to 18189 of 2018



W.P.Nos.18179 to 18189 of 2018

To
WEB COPY

- 1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Coimbatore,
Coimbatore District.
- 3.The Executive Officer,
Arulmigu Venugopalaswamy Thiru Kovil,
Sathiyamangalam Nagar,
Erode District.



WEB COPY



W.P.Nos.18179 to 18189 of 2018

M.DHANDAPANI, J.

sp

W.P.Nos.18179 to 18189 of 2018

19.09.2024