



WEB COPY



W.P.No. 17770 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.17770 of 2014 and
M.P.Nos.1 and 2 of 2014

Senthil Kumar

.. Petitioner

Versus

The Executive Officer,
Arulmighu Chindambareswarar Temple,
Nedungulam Village,
Thitakudi Taluk,
Cuddalore District

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent not to conduct any public auction on 04.07.2014 or any other dates in respect of the lands measuring 4 acres out of 5.89.5 hectares comprised in Survey Nos.26/1 and 26/4 of Kumarai Village, Thittakudi, Cuddalore District and pass orders.

For Petitioner

: Mr. P.R. Balasubramanian

For Respondent

: Mr.K. Karthikeyan
Government Advocate

ORDER



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WEB COPY This writ petition is filed to issue a Writ of Mandamus directing the respondent not to conduct any public auction on 04.07.2014 or any other dates in respect of the lands measuring 4 acres out of 5.89.5 hectares comprised in Survey Nos.26/1 and 26/4 of Kumarai Village, Thittakudi, Cuddalore District and pass orders.

2. The case of the petitioner is that the petitioner has taken lease from the Arulmigu Chidambareswarar Vahaira temple for the lands in Survey No.26/1 and 26/4 of Kumarai Village, Thittakudi, Virudachalam, measuring 4 acres out of 5.89.5 hectares. The grievance of the petitioner is that he and his predecessors have taken lease and doing agricultural work in the said lands. Upto the year 2007 the petitioner has paid the lease amount for which receipts was also issued by the temple administration. Further more the respondents are trying to evict the petitioner from his possession by conducting public action on 04.07.2014. Hence the petitioner has filed this petition not to conduct the public auction.



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3. The learned counsel for the petitioner submitted that the petitioner is properly paying the lease amount and there was no default on the part of the petitioner. There was also no objection by the temple administration while receiving the lease amount. All of sudden the respondent attempting to evict the petitioner by conducting the public auction is not acceptable.

4. The learned Government Pleader appearing for the respondent submitted that the said temple is a small village temple and the lands are endowed to the temple for upkeep and maintenance of the temple. The Revenue records also stands in the name of the temple and the said lands are leased out by the temple administration long back to some persons for cultivation. The persons who cultivated also paid meager rent to the temple administration. However, the said lands were not leased out by way of public auction as contemplated in the TN HR&CE Act 1959 and rules framed there under. It is the bounden duty of the person in management to lease out the lands belonging to a religious institution periodically as per Rule 2 of the (The Religious Institution, Lease of Immovable Property Rules). It seems that the said property was not



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leased out for some years. By taking advantage of the same, the writ petitioner continued to remain in the property. Hence, prays to dismiss the petition.

5. The learned Government Advocate has produced a letter dated 06.04.2024 sent by the Executive Officer, wherein it has been stated that as per the directions of the Commissioner, HR&CE public auction has been conducted with regard to the lands belonging to the said temple.

6. In view of the fact that the public auction has been conducted for the temple lands which was in the possession of the petitioner, the prayer sought for by the petitioner cannot be granted. Hence, nothing survives for further adjudication in this petition and this petition deserves to be dismissed. Accordingly this petition is dismissed. Consequently, the connected miscellaneous petition are closed. No order as to costs.

08.04.2024

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Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To.

The Executive Officer,



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Arulmighu Chindambareswarar Temple,
Nedungulam Village,
Thitakudi Taluk,
Cuddalore District

V.BHAVANI SUBBAROYAN, J.



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