



W.P.No.18878 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Writ Petition No.18878 of 2018

and

W.M.P.No.22265 of 2018

S. Raman

... Petitioner

Versus

- 1.The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.
- 2.The District Collector,
Nagapattinam,
Nagapattinam District.
- 3.The Tahsildar,
Vedaranyam,
Vedaranyam Taluk,
Nagapattinam District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Administration Department,
Thanjavur.



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5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Administration Department,
Nagapattinam,
Nagapattinam District.

6.The Executive Officer,
Arulmigu Vedaranyeswara Swamy Temple,
Vedaranyam Town & Taluk,
Nagapattinam District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned cancellation notice issued by the respondent No.6 dated 01.07.2018 and quash the same and consequently direct the respondents to allow the petitioner to continue in the occupation in Survey No.175/247, bearing on extent of 7.50 cent at Vedaranyam Pattana Manai, Vedaranyam Town and Taluk, Nagapattinam District.

For Petitioner	:	Mr. Consius Elango for Mr. V. Kasinatha Bharathi
For Respondents	:	Mr. N.R.R. Arun Natarajan Special Government Pleader (HR & CE) for R1, R4 and R5 Mr. LSM. Hasan Fizal Additional Government Pleader for R2 and R3 Mr. A.K.Sivam Senior Counsel for Mr. Kingston Jerald for R6

ORDER

This Writ Petition has been filed challenging the impugned cancellation notice issued by the respondent No.6 dated 01.07.2018 and for a



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consequential direction to the respondents to allow the petitioner to continue in the occupation in Survey No.175/247, measuring to an extent of 7.50 cents at Vedaranyam Pattana Manai, Vedaranyam Town and Taluk, Nagapattinam District.

2. The writ petitioner claims that he is in possession and occupation of the land in Survey No.175/247 measuring to an extent of 7.50 cents situated at Vedaranyam Pattana Manai. According to the petitioner, his father constructed a small house, in which, he and his family members are residing for several years. It is also stated that similarly placed persons who are in occupation of the land in Survey No.175/247 have been granted patta. In fact, as against the grant of patta, Vedaranyeswara Swamy Devasthanam preferred W.A.No.1372 of 1995 before this Court, in which, an order was passed on 08.11.2000. Similarly, the writ petitioner places reliance on the order dated 05.03.2012 in W.P.No.5143 of 2012 and the said writ petition was filed by Vedaranyam Nagara Pattanam Manai Kudiyiruppor (Anubavatharar) Nala Sangam, Vedaranyam, seeking to issue patta to the members. By the said order dated 05.03.2012, it was held that the interest of the Temple was only to claim compensation for the land and therefore, this Court upheld the grant of patta to similarly placed persons like the petitioner. By placing reliance on these



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decisions, it was contended that the order dated 01.07.2018 passed by the sixth respondent is *per se* invalid. The Temple has no right or authority to cancel the lease granted to the petitioner. If at all the lease granted to the petitioner is to be cancelled, it is the Government who is the Competent Authority to pass any order either to grant lease or to revoke the lease already granted. Therefore, by contending that the impugned order dated 01.07.2018 passed by the sixth respondent is without any authority in law, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that in the Gazette Notification issued by the Government dated 15.03.1965 under Inam Abolition Act, the entire Vedaranyam Pattanam was declared as Inam Land in Serial No.60, against which, there is no appeal preferred by the Temple and there is no right for the respondent No.6 Devasthanam over the said lands at Vedaranyam Pattanam from the date of Gazette Notification itself, since the entire property is vested with the Government. The petitioner and his predecessors are in occupation and possession of the said property for nearly about 100 years. Therefore, he would submit that the impugned order of the sixth respondent has been passed without taking note of the above facts and consequently, the said order has to be quashed.



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4. On the above contentions, heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1, 4 and 5, the learned Additional Government Pleader appearing for the respondent Nos.2 and 3 and the learned counsel appearing for the respondent No.6.

5. It is seen from the impugned order dated 01.07.2018 that the writ petitioner is in occupation of the land in question as a lessee. In the impugned order dated 01.07.2018, a reference was made to non-payment of lease rent by the petitioner. According to the sixth respondent, as early as on 23.05.2017, the petitioner was directed to repay the arrears of rent and obtain receipt thereof from the Temple Authorities. It was also further stated that repeated demands made by the employees of the Temple to pay the lease rent have not been complied with by the petitioner and therefore, the order dated 01.07.2018 has been passed by the sixth respondent canceling the lease granted to the petitioner in the land in Survey No.175/247, measuring to an extent of 1.75 cents. It is clearly evident from the order dated 01.07.2018 that the petitioner was in arrears of lease rent payable to the Temple. Even, according to the petitioner, this Court in order dated 05.03.2012 passed in W.P.No.5143 of 2012, has clearly



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observed that the Temple is only entitled for claiming compensation for the land and not for the building. A perusal of the affidavit filed in support of the writ petition reveals that the petitioner has not whispered anything as to whether he has paid the lease rent or not. The petitioner did not enclose any receipt evidencing the payment of lease rent. The order canceling the lease was predominantly passed on the basis of the default committed by the petitioner in paying the lease rent. Therefore, it is clear that the petitioner has committed default in payment of the lease inspite of repeated demands made by the respondent No.6 Temple. There is nothing on record to show that even after filing of the present writ petition, the writ petitioner has paid the lease rent.

6. The present writ petition was filed on 20.07.2018. At the time of filing the writ petition, this Court has not granted any interim order and the present writ petition is pending for the past six years. The petitioner is squatting the land belonging to the Temple without even paying the lease rent. In such view of the matter, this Court finds no reason to interfere with the order dated 01.07.2018 passed by the sixth respondent, canceling the lease granted to the petitioner. Hence, this Writ Petition is devoid of any merits and it is liable only to be dismissed.



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7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

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M.DHANDAPANI, J.

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