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WP.No.27978 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.27978 of 2019
and W.M.P.Nos.27584 & 27587 of 2019

Sri Athithulyanatheeswarar Temple
Rep by its Executive Officer
Arakandanallur, Tirukoilur Talul
Villupuram District

.. Petitioner

Versus

1.The Inspector General of Registration
Santhome High Road
Chennai – 600 028

2.The District Registrar
Department of Registration
Villupuram District

3.The Sub Registrar
Arakandanallur
Villupuram District

4.The Tahsildar
Kandachipuram Taluk
Villupuram District

5.R.Mohanakrishnan
6.C.Seethalakshmi

7.The Regional Manager
Bharath Petroleum Corporation
Tondiarpet, Chennai – 600 081

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records leading to the impugned lease deed bearing document No.2419/2016 dated 15.06.2016 registered on the file of 3rd respondent and order in Na.Ka.No.4861/AA1/2016 dated 05.10.2017 on the file of 2nd respondent and quash the same and directing the respondents 1 to 3 to cancel the lease deed dated 15.06.2016 in respect of land measuring an extent of 15,426 sq.ft (1433 sq.met) in S.No.9/10, situated at Aragandanallur Village and Mandal, Kandachipuram Taluk, Villupuram District.

For Petitioner : Mr.N.Naganathan

For Respondents : Mr.B.Vijay for R1 to R3
Additional Government Pleader

Mr.P.Sathish for R4
Additional Government Pleader

Mr.Avinash Wadhwani for R4

Mr.M.Vijayan for R7
for M/s.King & Patridge

ORDER

By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the rejection order passed by the respondent refusing to cancel the lease deed dated 15.06.2016.



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3. According to the writ petitioner, the petitioner in question is originally a temple property. Further, the fifth respondent and his mother filed a suit in O.S.No.175 of 1982 on the file of the Sub Court, Villupuram. The suit was decreed in their favour. Later appeal was filed in A.S.Nos.747 of 1985, 1012 of 1986 and fifth respondent filed Cross Objection No.71 of 1991 and they were allowed in part. Now, SLP is filed against the judgment before the Hon'ble Supreme Court in S.L.P.(C).Nos.17831-17833 of 2012 and status quo is granted on 05.09.2019. In the meanwhile, the lease deed is said to have been executed by the fifth respondent in favour of the 7th respondent on 15.06.2016 for a period of 29 years. Therefore, the lease deed is sought to be cancelled on the ground that it is a temple property, however, the same is rejected by the impugned order.

4. Heard both sides and perused the materials placed on record.

5. Now, civil suits are pending and the lease deed dated 15.06.2016 is also registered, a rental amount of Rs.15,000/- is paid to the temple as per the direction of this Court in W.P.No.33522 of 2014 dated 12.03.2020, at this stage, cancelling the lease deed does not arise at all. In the event, the writ petitioner succeeds in the civil suit automatically they are entitled to resume



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the property by invoking the provisions under the HR & CE Act.

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6. Such view of the matter, at this stage when the Special Leave Petitions are pending and status quo is ordered and particularly when the rents are being collected by the temple, there cannot be any direction.

7. Accordingly, I do not find any infirmities in the impugned order and this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

16.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

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