



W.P.No.21052 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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W.M.P.No.21941 of 2017

1. S.Aripullah
2. A.ABdul Hakkeem
3. A. Mohammed Sherif
4. R.Subramaniam
5. M.S.Ibrahim
6. P.M.Mohammed Yunus
7. J.Mohammed Sherif
8. V.Leela
9. A.Parameswaran
10. A.Kasi
11. Abuthahir

...Petitioners

-Vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary,
HR&CE Department,
Chennai – 600 009.
2. The Commissioner,
HR & CE,
Nungambakkam,
Chennai – 600 034.
3. The Joint Commissioner,
HR & CE,
Salem.



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4. The Executive Officer,
Arulmigu Kottai Peria
Mariamman Thirukoil,
Kottai, Salem – 1.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to put the petitioners back in possession of the tenanted premises of the Kottai Peria Maniamman Thirukoil, Kottai, Salem.

For Petitioner	: Mr.J.Sudhakaran
For Respondents	
For R1 to R3	: Mr.S.Ravichandran Additional Government Pleader
For R4	: Mr.R.Karthikeyan

ORDER

The writ petition has been filed for direction directing the respondents to put the petitioners back in possession of the tenanted premises of the Kottai Peria Maniamman Thirukoil, Kottai, Salem.

2. The petitioners were allotted shops in the premises owned by the fourth respondent temple. However, the said premises was in dilapidated condition as such, they were directed to vacate and hand over the vacant possession for demolition. They had vacated and the entire premises, which was in dilapidated condition, were demolished. In the



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mean time, the petitioner filed a writ petition in W.P.No.20332 of 2009 and this Court by an order dated 15.10.2009, disposed the same observing that if any re-construction made, the petitioners will be given preference in the allotment of the shops. Hence, the petitioner filed the present writ petition with the above prayer.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter filed by the fourth respondent revealed that there will be no permanent lease or extension of lease was given to the immovable property which is belonging to the fourth respondent. It is also barred under Section 34 of the HR & CE Act. Besides the same, any lease of immovable property and rights pertaining to the various institutions could be made only by way of public auction under the Religion Institutions (Lease of Immovable Property) Rules, 1963.

5. That apart, as per the present situation, after demolition of old shops which were given in favour of the petitioner, the said area has



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been used for the worshipers for ingress and egress to the fourth respondent temple. They had not constructed any new shops. Therefore, the direction to put up the petitioners back in the possession of the tenanted premises of the fourth respondent does not arise. This Court finds no merits in this writ petition and the writ petition itself devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is also closed. There shall be no orders as to costs.

19.09.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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To
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G.K.ILANTHIRAIYAN. J.

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