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WP.No.25841 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.25841 of 2018

and

WMP.Nos.30044& 31767 of 2018

C.D.Shanmugam

...

Petitioner

Vs.

1. The Executive Officer,
Kirubaleeswarar Temple,
Thiruvennai Nallore,
Villurpuram District.

2. Krishnamurthy

3. Natarajan

4. The Joint Commissioner,
HR & CE,
Villupuram.

[R4 impleaded vide order dated 01.11.2018 by

RMDJ made in WMP.No.31758 of 2018]

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned auction proceedings dated 14.09.2018 in Na.Ka.No.5943/2018/A3 by the 1st



respondent and its consequential proceedings of the 4th respondent dated 04.10.2018 in Na.Ka.No.5943/2018/A3 and quash the same and consequently, direct the 1st respondent to extend/renew lease of the petitioner for the said lands.

For Petitioner : Mr.K.Balu
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader for R1

ORDER

The petitioner and his family members are said to be the leaseholders under the 1st respondent's temple in respect of lands measuring 6 Acres in Survey Nos.78/4, 71/2 and 78/8 in Chinnasevalai Village, Thirukovilur Taluk, Villurpuam District. The petitioner has filed this Writ Petition seeking a Writ of Mandamus forbearing the respondents from interfering with peaceful possession and enjoyment of leasehold rights of the petitioner in Survey Nos. 78/4, 71/2 and 78/8 in Chinnasevalai Village, Thirukovilur Taluk, Villurpuam District and to direct the respondents to extend or renew the lease of the petitioner and his family members for the said lands.

2.Heard, K.Balu, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for HR&CE/1st respondent and

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perused the materials available on record.

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3. Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader for HR&CE / 1st respondent submitted that though the petitioner could get an order of *status quo* and the *status quo* was in force till today, the writ petition itself is not maintainable and the petitioner takes advantage of the order of *status quo* and continues to be in possession of the properties to the extent possible.

4. He further submitted that the lease period of the petitioner has already got expired and a fresh lease has also been conducted on 14.09.2018 and it has been given in favour of respondents 2 and 3. In fact, the respondents 2 & 3 have even paid the lease amount; but the petitioner, without challenging the auction proceedings for the lease, has filed this writ petition.

5. Mr.K.Balu, learned counsel for the petitioner submitted that he has filed a W.M.P.No.31765 of 2018 in W.P.No25841/2018 for amending the prayer to challenge the auction dated 14.09.2018 through which the lease has been finalised in favour of respondents 2 and 3.

6. As on today, even the lease in favour of the 2nd and 3rd respondents has also got expired due to efflux of time. The petitioner, whose lease has got already



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expired, managed to be in possession till date on the strength of the order of *status quo*, has no right to continue in possession of the property once his lease period had expired.

7. Now, it is learnt that the notification has been given in view of the prolonged litigation filed by the private parties that the temple does not have any income from its landed properties. So it is up to the 1st respondent either to take appropriate action to lease out the properties on its discretion or formulate any scheme in order to protect the property and the income from the same. Since the lease period in favour of the petitioner expired long ago, the petitioner has decided to file writ petitions instead of filing a suit and has managed to be in possession of the property till now. The writ petition does not deserve any further consideration.

In the result, this writ petition stands **dismissed as infructuous**. No costs.
Consequently, connected miscellaneous petitions are closed.

08.02.2024

Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To
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The Executive Officer,
Kirubaleeswarar Temple,
Thiruvennai Nallore,
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R.N.MANJULA, J.
jrs

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