



WP(MD)Nos.6080, 6081 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.6080, 6081 of 2024
and
WMP(MD)Nos.5719, 5721, 5722 of 2024

K.Paramasivan .. Petitioner in WP(MD)6080/2024

S.Kuthalingam .. Petitioner in WP(MD)6081/2024

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tenkasi District.

3.The Executive Officer,
Arulmigu Kutralanathar Temple,
Courtallam,
Tenkasi District. .. Respondents in all WPs

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating



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to the impugned order passed by the second respondent in Na.Ka.No. 4022/2023-1A3, dated 21.02.2024 and quash the same.

For Petitioners : Mr.P.Edin Brough

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1, R.2

Mr.S.Manohar for R.3

[In all WPs]

COMMON ORDER

The petitioners, who are licensees for conducting shops, have filed these writ petitions as against the proceedings of the second respondent dated 21.02.2024, in and by which, the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, has ordered for eviction from the subject premises.

2.According to the respondents, the petitioners have sub-let the properties and they have also not paid the lease amount properly. Their lease period ended in the year 2016. Therefore, they have initiated



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proceedings u/s.78 of the Hindu Religious and Charitable Endowments Act, by treating the petitioners as encroachers.

3. Pending the proceedings, the petitioners, on the directions of this Court, have paid a sum of Rs.1,60,000/- towards the lease arrears. Since the petitioners have not properly paid the lease amount and the lease period itself is over, the proceedings initiated u/s.78 of the Act has been culminated and the impugned order for eviction has been passed.

4. This Court is not inclined to entertain these petitions. As per Rule 2 of the Religious Institutions (Lease of Immovable Property) Rules, 1963, the lease of immovable property and rights belonging to a religious institution shall be made by public auction. The intention of any institution would be to augment revenue through its properties. The petitioners, who obtained the shops in a public auction, cannot be allowed to continue to hold the property for years together, without conducting a public auction. It appears that by filing these writ petitions, the public auction for the subject shops have been halted for several years.



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5. The third respondent shall brought the subject properties for public auction within a period of two months from the date of receipt of a copy of this order. Since the petitioners have now paid the arrears amount, they shall also be permitted to participate in the public auction, if so interested. The respondents shall conduct the public auction in a fair and transparent manner and shall ensure that the properties are auctioned for a reasonable amount. The petitioners shall vacate and hand over the subject properties to the third respondent one week before the date of conduct of auction. Till such time, they shall pay the rent without any default, failing which, they shall not be permitted to participate in the public auction.

Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

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