



W.P.(MD).No.19254 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.19254 of 2024

and

W.M.P.(MD).Nos.16324 and 16325 of 2024

- 1.Malliga
- 2.Mahalakshmi
- 3.Mohanraj
- 4.Sarasu
- 5.Narayanasamy
- 6.Thangavel
- 7.Chinnappan
- 8.Thangapandi @ Pandiyan
- 9.Radha
- 10.Karuppiah @ Karuppasamy
- 11.Pushpam
- 12.Perumayee
- 13.Lakshmi

... Petitioners

Vs.



W.P.(MD).No.19254 of 2024

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Theppakula Theru,
Neelagirishwarar Thoppu,
Tiruvanaikoil, Trichy - 625 005.

2. Arulmigu Unaiyur Vagayara Temple,
Rep. by its Hereditary Trustee,
T.M.V.K.V.Sivashanmuga Poochaya Naicker,
Marungapuri, Trichy - 621 308.

3. The Village Administrative Officer,
Paluvanji East Village, Marungapuri Taluk,
Trichy District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice of 3rd respondent dated 20.07.2024 for conducting public auction for lease of immovable properties of the 2nd respondent's temple and quash the same as illegal without following principles of natural justice.

For Petitioners	: Mr.T.Vadivelan
For R-1 & R-3	: Mr.K.S.Selvaganesan Additional Government Pleader
For R-2	: Mr.V.Chandrasekar

ORDER

The present Writ Petition is filed challenging the impugned notice issued by the third respondent dated 20.07.2024 for conducting public auction for lease of immovable properties of the second respondent temple, on the premise that the same is made in violation of principles of natural justice.



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2. It is submitted by the learned counsel for the petitioners that the petitioners are lease holders and cultivating tenants of the property comprised in S.F.Nos.367 and 368 in Paluvanchi East Village, Marungapuri Taluk, Trichy District, which originally belonged to the second respondent temple and they have been paying rent without any default. While so, the third respondent issued the impugned auction notice dated 20.07.2024 for lease of immovable property belonging to the second respondent Temple. Challenging the same, the present Writ Petition has been filed.

3. At the outset, it is submitted by the learned counsel for the respondents that the second respondent Temple is in title and possession of several hundreds of acres of land spreading over several Villages and that they intend to bring the same on auction in different phases. It was however submitted that as and when any property is brought to auction, it will be in due compliance with the provisions of the Tamil Nadu Religious Institutions (Lease of Immovable Property) Rules, 1963. With regard to the property, where the petitioners are presently in occupation, as and when auctions are conducted, it is open to the petitioners to participate in the auction and as observed in the earlier round of litigation in W.P.(MD).No.9820 of 2024 dated 23.04.2024, that if the petitioners are similarly placed, then they would be granted preference.



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4. Recording the same, the respondents/authorities shall take steps to auction the lease rights over all the properties strictly in accordance with the provisions of T.N.H.R.&C.E. Act, 1959 and Religious Institutions (Lease of Immovable Property) Rules, 1963. The petitioners shall also be entitled to participate in the proposed auction. The respondents shall give preference to the petitioner, considering the fact that the petitioner is in occupation of the land and may be cultivating the land for more than 50 years, if there is any stalemate in the auction, as directed in the earlier order of this Court in W.P.(MD).No. 9820 of 2024 dated 23.04.2024.

5. With the above observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
Lm



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2. The Village Administrative Officer,
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MOHAMMED SHAFFIQ, J.

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