



WP(MD)No.22302 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.22302 of 2023
and
WMP(MD)No.19252 of 2023

Tamilselvan

.. Petitioner

v.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Srinivasa Nagar,
Thiruvaiankaval,
Trichy.

2.The Thakkar / Executive Officer,
Arulmigu Idankondeswarar Thirukovil,
Perur Village,
Jembunathapuram,
Musiri Taluk,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to receive the arrears amount of a sum of Rs.9000/- for the period of 2009 to



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2023 and consequently, directing the respondents to issue receipts for the same to the petitioner in respect of the property measuring an extent of 1 acre 50 cents in S.Nos.299/13, 14 situated in Perur Village, Musiri Taluk, Trichy District.

For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.P.Subba Raj,
Special Government Pleader

ORDER

The petitioner claims that he is the tenant of a Temple property in S.No.299/13, 14 in Perur Village, Musiri Taluk, Trichy District, to an extent of 1 acre 50 cents and he is cultivating the lands for several years. He was also paying the rent regularly to the respondents and he has also paid the arrears of rent to the tune of Rs.9000/- to the respondents by way of a demand draft on 20.06.2023. The same was not accepted by the respondents and therefore, the petitioner has filed this writ petition for a mandamus directing the respondents to receive the arrears amount of Rs.9000/- for the period from 2009 to 2023.



2.Learned Counsel for the petitioner submitted that the subject land is a dry land, which was leased out to the petitioner's grandfather, namely, Maruthamuthu and after his demise, the land was cultivated by the petitioner's father and now, by the petitioner. Though the petitioner is paying the rent regularly, the respondents claim that he is having an arrears to the tune of Rs.9000/- and therefore, the petitioner has taken a demand draft on 20.06.2023 for a sum of Rs.9000/- and forwarded the same to the respondents. However, the respondents have not accepted the same.

3.Learned Special Government Pleader, on instructions, submitted that the petitioner is no way connected with the subject land. The subject land was originally leased out to one Maruthammal W/o.Anandan. The said Anandan is the former Trustee of the Temple. Taking advantage of his position as Trustee, Anandan has created some records in favour of his wife, Maruthammal. The petitioner is now claiming that he is the lessee of the subject land, however, there is no records to that effect. Therefore, the petitioner's request for recognizing him as lessee was not considered and the sum of Rs.9000/- sent by way of demand draft was returned.



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4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.Though the petitioner claims that he is the lessee for the land in S.Nos.299/13, 14, he has not placed any valid documents in support of the same. The respondents claim that this land was leased out to one Maruthammal, who is the wife of the then Trustee. Therefore, this Court is not inclined to entertain this writ petition.

6.Immovable properties, if any, of the Temple has to be leased out only by way of a public auction as per Rule 2 of the Religious Institutions (Lease of Immovable Property) Rules, 1963. Therefore, this writ petition is disposed of with a direction to the respondents to conduct a public auction with regard to the subject property within a period of twelve weeks from the date of receipt of a copy of this order. It is open to the petitioner to participate in the auction, if he so advised.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

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To

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B.PUGALENDHI, J.

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