



WMP(MD). No.21108 to 21130 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WMP(MD). No.21108 to 21130 of 2024

1.K.Uppili Seenivasan	... Petitioner in WMP(md)No.21108/2024
1.M.Sunderraj	...Petitioner in WMP(md)No.21109/2024
1.K.Selvam	...Petitioner in WMP(md)No.21110/2024
1.T.Rajagopal	...Petitioner in WMP(md)No.21111/2024
1.V.P.Alagiyamanavalan	...Petitioner in WMP(md)No.21112/2024
1.B.Rajasekaran	...Petitioner in WMP(md)No.21113/2024
1.S.Durairaj	...Petitioner in WMP(md)No.21114/2024
1.K.Renganathan	...Petitioner in WMP(md)No.21115/2024
1.A.Govindan	...Petitioner in WMP(md)No.21116/2024
1.G.Ramesh	...Petitioner in WMP(md)No.21117/2024
1.P.Rengarajan	...Petitioner in WMP(md)No.21118/2024
1.S.Saranraj	...Petitioner in WMP(md)No.21119/2024
1.R.S.Selvaraj	...Petitioner in WMP(md)No.21120/2024
1.R.Purusothaman	...Petitioner in WMP(md)No.21121/2024
1.S.Saravanan	...Petitioner in WMP(md)No.21122/2024
1.E.Suresh	...Petitioner in WMP(md)No.21123/2024
1.A.Rangan	...Petitioner in WMP(md)No.21124/2024
1.A.Devasenapathy	...Petitioner in WMP(md)No.21125/2024

<https://www.mhc.tn.gov.in/judis>



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1.K.Srithar	...Petitioner in WMP(md)No.21126/2024
1.M.Mookaiya	... Petitioner in WMP(md)No.21127/2024
1.S.Lakshminarayanan	... Petitioner in WMP(md)No.21128/2024
1.P.Dharmarajan	...Petitioner in WMP(md)No.21129/2024
1.P.Tamilselvan	...Petitioner in WMP(md)No.21130/2024

Vs

- 1 The Principal Secretary
Tourism Culture and Religious Endowments
Department, Government of Tamil Nadu Fort
St. George Secretariat Chennai - 600 009.
 - 2 The Commissioner
Hindu Religious and Charitable Endowment
Department No.119 Uthamar Gandhi Salai
Nungambakkam, Chennai - 600 034.
 - 3 The Joint Commissioner
Hindu Religious and Charitable Endowment
Department, Trichy Division, Uthamar Koil
Complex, Pichandar Koil, Trichy District.
 - 4 The Executive Officer / Joint Commissioner
A/m. Sri Ranganathaswamy
Temple Vellithirumutham Village,
Srirangam Taluk, Trichy District.
- ...Respondents in all WMPs

Prayer in WMP:

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, to extent the time for further period of six months for the period from 09.08.2024 to 09.02.2025 in WP(MD)Nos.29853,30261,30260,30254,30614,30619,



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30655,29854,30662,29852,29853,30620,30256,30659,30661,30259,30257,30258,30657,
30618,30656,30621 and 30617 of 2023 order dated 21.12.2023.

Prayer in WP(MD).29853/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.1.

Prayer in WP(MD).30261 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.1 situated at Karthigai Gopura Vasal.

Prayer in WP(MD).30260 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.2 situated at Sriranga Vilas Mandapam.



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Prayer in WP(MD).30254 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.7 situated at Ranga Vilas Mandapam.

Prayer in WP(MD).30614 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.8A situated at Sriranga Vilas Mandapam .

Prayer in WP(MD).30619 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.2 situated at Thondaradi Podi Alwar Sannathi.

Prayer in WP(MD).30655 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of



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the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.12 situated at Sri ranga Vilas Mandapam.

Prayer in WP(MD).29854 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.3 .

Prayer in WP(MD).30662 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms) No.427 Tourism culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.9B situated at Koorathalwar Sannathi.

Prayer in WP(MD). 29852/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.6 .

Prayer in WP(MD). 29853/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this



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Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.1.

Prayer in WP(MD).30620 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.6, situated at Karthigai Gopura Vasal.

Prayer in WP(MD).30256 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.5, situated at Nathamuni Sannathi.

Prayer in WP(MD).30659 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.8B, situated at Sriranga Vilas Mandapam.



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Prayer in WP(MD).30661 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.2B, situated at Sriranga Vilas Mandapam.

Prayer in WP(MD). 30257/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O. (Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.2 situated at Nathamuni Sannathi and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 30259/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O. (Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.1 situated at Sriranga Vilas Mandapam.



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Prayer in WP(MD).30258 / 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O.(Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.10, situated at Nathamuni Sannathi.

Prayer in WP(MD). 30657/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O. (Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.4 situated at Srenga Vilas Mandapam.

Prayer in WP(MD). 30618/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O. (Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.4 situated at Karthigai Gopura Vasal.

Prayer in WP(MD). 30656/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of



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the 1st respondent in G.O. (Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.1 situated at Sriganga Vilas Mandapam.

Prayer in WP(MD). 30621/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O. (Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.1 situated at Karthigai Gopura Vasal.

Prayer in WP(MD). 30617/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order of the 1st respondent in G.O. (Ms). No.426 Tourism Culture and Religious Endowments (RE) Department dated 18.11.2023 and quash the same in so far as Shop No.2 situated at Karthigai Gopura Vasal.

ORDER:-

These Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.Barathan, Advocate for the Petitioners and of Mr.G.V.Vairam Santhosh, Addl.Govt.Pleader For RR1 to 3, Mr.M.Saravanan, Advocate For for 4th respondent,



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this Court made the following order:

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“These Writ Miscellaneous Petitions, in fact, have taught a lesson to this Court, the manner, in which, this Court has to show its indulgence, while dealing with certain issues.

2.The petitioners are unauthorised occupants of the shops inside Arulmighu Renganathar Swamy Temple, Srirangam Taluk, Trichy District. This temple is an ancient temple, one among 108 Divya Desams, established during 1659 AD. The temple is having a Mandapam with 1000 pillars. It appears that some executive officers, without any Lease or agreement or by any order have permitted the petitioners to occupy the spaces in the mandapams and other places inside the temple and taking advantage of the same, the petitioners have put up shops and have been in occupation of the temple premises. Some other Executive officers have also ratified these unauthorised occupation by collecting rent from them. When the temple administration initiated steps to evict these encroachers in the year 2014, owing to the consecration of the temple, these petitioners have made a claim that they are in occupation of the shops for several decades and filed applications before the authorities. The HR & CE Department has also provided sufficient time to the petitioners to vacate the shops, however, the petitioners have not vacated the shops



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and prolonged the issue for ten years. Finally, the Government has taken a decision that these petitioners are unauthorised occupants and they are marring the artistic appearance and the atmosphere of the temple, rejected their claim in G.O(Ms) No.427, Tourism Culture and Religious Endowments (RE) Department, dated 18.11.2023.

3.The petitioners have challenged this Government order in a batch of writ petitions in WP(MD) Nos.30614 to 30621 of 2023 etc., and this Court, by order, dated 21.12.2023 has dismissed those writ petitions, with the following observations:-

"12.In this case, since the petitioners have not made out any case, this Court is not inclined to interfere with the orders of the Government. However, the petitioners claim that they were permitted to have the shops inside the temple by the authorities for more than five decades and based on the same, they are eking their livelihood. Therefore, the respondents shall consider the case of the petitioners sympathetically and find out any alternative place in any of the Temple lands to have their shops. The petitioners shall also be permitted to have their shops inside the temple for a period of three months to enable them to find an alternative."



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4.This observation made by this Court in the above batch of writ petitions is the cause of action for the subsequent litigations including these Miscellaneous petitions. In fact, this Court has dismissed the writ petitions, confirming the order passed by the Government that these shops inside the temple would certainly mar the artistic appearance and atmosphere of the temple. If any lease or licence was issued by the temple authorities, Section 80 of the HR & CE Act authorizes the executive officer to terminate the licence or lease after issuing a show cause notice. In this case, these petitioners were not issued with any licence / permission / lease / agreement, authorizing them to occupy the shops. However, they were permitted by some officers by collecting rent from them. Since the HR & CE Department ratified the unauthorized occupants for some time by issuing receipts, this Court in order to provide an opportunity to the petitioners to find out an alternative space for them, has granted three months time in the earlier order passed by this Court in the said batch of writ petitions in WP(MD) No.30614 of 2023 etc., dated 21.12.2023. It does not mean that this Court has recognized their unauthorized occupation and that they are entitled for an alternative accommodation from the HR & CE Department. The suggestion made by this Court in the above order is only on sympathetic consideration and that by itself would not



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confer any right for filing a revision petition as against the order of rejection. It appears that the three months period provided by this Court was over in the month of March 2024 itself and the request of the petitioners for alternative accommodation was also rejected by the temple administration. This suggestion of alternative accommodation made by this Court, does not give any right enabling the petitioners to file a revision petition. However, by filing a revision petition, another batch of writ petitions were filed before this Court in WP(MD) Nos.18706 to 18711 and 18761 of 2024, seeking a Mandamus, forbearing the HR & CE Department, from initiating any proceedings to dispossess these petitioners from the shops situated inside the temple. This Court, while disposing of those writ petitions by order dated 07.08.2024 has held that the petitioners are not having any right to make such requests for alternative allotment of shops, has granted a relief by directing the revisionary authority to consider the case of the petitioners in the revision petitions and dispose of the same within a period of two weeks.

5.As against the order passed in the above batch of writ petitions, the petitioners have filed a batch of writ appeals in WA(MD) Nos.1664, 1685, 1684, 1682, 1666, 1667, 1680, 1681, 1665, 1668, 1669, 1670, 1671, 1672, 1673, 1676, 1677, 1678, 1679, 1686, 1689, 1687, 1688, 1690, 1683, 1675 of 2024 and the same were dismissed



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by the Division Bench of this Court, by order, dated 26.09.2024, however, permitting the petitioners to seek for extension of time to comply with the directions issued in the earlier writ petitions in WP(MD) Nos.30614 to 30621 of 2023 etc., and therefore, the petitioners have filed these applications. In fact, the Division Bench of this Court, while dismissing the writ appeals has not granted any relief to extend the time to these petitioners, considering that these petitioners are unauthorized occupants.

6.The petitioners are not issued with any licence or permission to have shops inside the temple. These shops inside the mandapams within the temple are affecting the artistic appearance of the temple. The petitioners are not having any right to seek extension of time and the petitioners are not entitled for an alternative accommodation as a matter of right. By considering the manner in which, the petitioners have prolonged the issue for a period of 10 years and even after the orders of this Court, dated 21.12.2023, this Court was inclined to dismiss all these applications with an exemplary cost. The learned counsel for the petitioner has requested not to impose any cost and gave an assurance that they would vacate the shops immediately. Based on the request, this Court has also provided an opportunity to these petitioners to vacate the shops and posted these applications today.



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7. When these applications are taken up for hearing today, the learned counsel appearing for the petitioners submits that except the petitioners in WMP (MD) Nos. 21117, 21118, 21120 (in occupation of two shops) and 21124 of 2024, others have vacated the premises. The learned counsel for the temple administration states that these four persons are the root cause for all these litigations and they belong to a same family. There is no explanation from the respondent temple as to how these four persons belonging to a same family have been allowed to occupy the shops inside the temple.

8. Be that as it may. The petitioners are not having any right to occupy spaces inside the temple. The temple is not a place for commercial activities. The petitioners cannot maintain these applications and therefore the applications in WMP(MD) Nos. 21117, 21118, 21120 and 21124 of 2024 are liable to be dismissed.

9. However, considering the manner, in which, the petitioners in WMP (MD) Nos. 21117, 21118, 21120 and 21124 of 2024 have occupied the spaces inside the temple, dragging the proceedings for the past 10 years, made the temple to spend huge expense for the litigations for the writ petitions in WP(MD) Nos. 30614 of 2023 etc., WP(MD) Nos. 18706 to 18711 of 2024 etc and WA(MD) No. 1664 of 2024 etc.,



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and the attitude of the petitioners in not vacating the shops by removing the superstructure, even after the advice of the learned counsel for the petitioners, the applications in **WMP(MD) Nos.21117, 21118, 21120 and 21124 of 2024** are **dismissed with a cost of Rs.1,00,000/-** (Rupees One Lakh), which has to be paid by the petitioners in WMP(MD) Nos.21117, 21118, 21120 and 21124 of 2024 as compensation to the temple administration towards litigation expenses incurred by the temple administration.

10.The petitioners are not having any right to occupy the shops even after the expiry of the period granted by this Court in the earlier order, dated 21.12.2023. Therefore, the Executive Officer of Arulmighu Renganathar Swamy Temple, Srirangam Taluk, Trichy District is permitted to evict the petitioners forthwith by removing the superstructure put up by them inside the temple premises. The Executive Officer is also permitted to auction the materials of the petitioners in WMP(MD) Nos.21117, 21118, 21120 and 21124 of 2024 and deposit the same in the temple account. Since the petitioners in WMP(MD) Nos.21108 to 21116, 21119, 21121 to 21123, 21125 to 21130 of 2024 have vacated the shops without causing any nuisance or inconvenience to the temple administration, this Court refers the matter to the Mediation Centre, in order to find out any possibility of an



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alternative accommodation to them. This Court appoints Mr.N.Balakrishnan, learned senior counsel, who is having 55 years of experience as a Mediator in this case.

List WMP(MD) Nos.21108 to 21116, 21119, 21121 to 21123, 21125 to 21130 of 2024, along with a mediation report."

Sd/-

Assistant Registrar(CS-III)

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/11/2024

Sub Assistant Registrar
(CS-I / II / III / IV)

TO

- 1 The Principal Secretary
Tourism Culture and Religious Endowments
Department, Government of Tamil Nadu Fort
St. George Secretariat Chennai - 600 009.
- 2 The Commissioner
Hindu Religious and Charitable Endowment
Department No.119 Uthamar Gandhi Salai
Nungambakkam, Chennai - 600 034.
- 3 The Joint Commissioner
Hindu Religious and Charitable Endowment
Department, Trichy Division, Uthamar Koil
Complex, Pichandar Koil, Trichy District.



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4 The Executive Officer / Joint Commissioner
A/m. Sri Ranganathaswamy
Temple Vellithirumutham Village,
Srirangam Taluk, Trichy District.

5. The Special Govt. Pleader,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

1. The Officer Incharge,
Mediation Centre,
Madurai Bench of Madras High Court,
Madurai.

2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 28/10/2024

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ORDER

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WMP(MD)No.21108 to 21130 of 2024

in

WP Nos.29853,30261,30260,30254,
30614,30619,30655,29854,30662,29852,
29853,30620,30256,30659,30661,
30259,30257,30258,30657,30618, 30656,
30621 and 30617 of 2023 Giving direction
and etc. as stated within.

SI/-(15.11.2024) 18P/ 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.