



W.P.(MD)No.25086 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM:

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.25086 of 2024
WMP(MD)Nos.21339 & 21340 of 2024**

Hotel "Divine Fort"
Represented by it's Partner,
S.Prema, East Giriveethi,
Near Rope Car Station,
Palani, Dindigul District.

... Petitioner

vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.
- 2.The District Collector,
Dindigul District, Collectorate,
Dindigul-624 004.
- 3.The Revenue Divisional Officer,
Dindigul District, Spencer Compound,
Dindigul-624 001.



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4.The Executive Officer / Joint Commissioner,
Arulmigu Dhandayuthapani Swamy Temple,
Palani,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to consider the grievance of the petitioner and to avoid any such measures proposed to be taken under the guise of preventing encroachments in the Girivala Veethi at Palani, to obstruct the petitioner's free ingress and egress to the patta lands at Patta No.1883 in S.No.819/3A, 819/4A and Patta No.1835 in S.No.819/3B, 819/4B, 819/B2 and 821/1A1 at the East Girivithi, Palani Town and to provide free access to the petitioner's employees, amenities providers and the customers of their "Hotel Divine Fort" in the Girivala Veethi to reach their property using their vehicles.

For Petitioner : Mr.Vaibhav R.Venkatesh
for M/s.S.Nirmal Aditya

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader for R1
Mr.N.Satheeshkumar,
Additional Government Pleader for R2 & R3
Mr.R.Bharanitharan for R4

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This Writ Petition has been filed for a Mandamus directing the respondents to consider the grievance of the petitioner and to avoid any such measures proposed to be taken under the guise of preventing encroachments in the Girivala



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Veethi at Palani, to obstruct the petitioner's free ingress and egress to the patta lands at Patta No.1883 in S.No.819/3A, 819/4A and Patta No.1835 in S.No. 819/3B, 819/4B, 819/B2 and 821/1A1 at the East Girivithi, Palani Town and to provide free access to the petitioner's employees, amenities providers and the customers of their "Hotel Divine Fort" in the Girivala Veethi to reach their property using their vehicles.

2. When the matter is taken up, Mr.Vaibhav R.Venkatesh, learned counsel appearing for the petitioner fairly stated before this Court that a proposal has been submitted to the Devasthanam Board seeking exchange of lands between the Devasthanam Board and the petitioner and according to them, if the lands admeasuring 900 Sq.Ft. in S.No.819/1A1 belonging to the Devasthanam Board is handed over to the petitioner, then the customers coming to the petitioner's hotel will have easy access.

3. Mr.R.Bharanidharan, learned Standing Counsel for the Palani Devasthanam Board submitted that there is no provision for execution of sale or exchange of lands in favour of the petitioner and only execution of lease is



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permissible as per Section 34 of the HR & CE Act.

4. Considering the fact that the petitioner's hotel is being run after obtaining necessary Building Planning Permission and that customers coming to the petitioner's Hotel are facing difficulty to have ingress and egress to the petitioner's hotel through the Giriveedhi, the proposal submitted by the petitioner's hotel appears to be reasonable. However, as per Section 34 of the HR & CE Act, the temple authorities are vested with powers only for execution of lease in respect of lands belonging to the temple. In such circumstances, if any such application is filed by the petitioner's hotel seeking execution of lease, the Devasthanam Board may consider and recommend the proposal for granting lease in favour of the petitioner's hotel, if the said proposal is approved by the HR&CE Department.

5. Therefore, this Court directs the petitioner to make an application to the Devasthanam Board, Palani seeking for grant of lease in respect of lands admeasuring 900 Sq.ft in S.No.819/1A1 in favour of the petitioner's Hotel and if



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such proposal is submitted, the Devasthanam Board shall forward the same along with their recommendation, as per Section 34A for fixing of fair rent and execution of lease as per Section 34 of the HR & CE Act to the Commissioner, HR & CE Department within a period of three weeks from the date of receipt of a copy of this order. The Commissioner, HR & CE Department shall forward the said proposal to the Secretary to Government, HR & CE Department within a period of four weeks thereafter and the Secretary to the Government, HR & CE Department shall consider and pass final orders granting lease in favour of the petitioner's Hotel as per Rules, within a period of eight weeks thereafter. It is made clear that it is for the authorities to consider for the duration of lease and if any alternative access is available for the petitioner's hotel, then the lease deed granted by the authorities shall be reconsidered for cancellation. It is also made clear that if any periodical lease is required, the authorities may also consider for renewal of lease periodically and enhancement of lease amount.



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Jvm

6. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K., J.) (R.V., J.)
14.11.2024

Intex : Yes/No

Internet : Yes/No

Jvm

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034.

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