



W.P.(MD)No.26367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.26367 of 2024

and

W.M.P.(MD)Nos.22337 and 22338 of 2024

Mayandi

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
HR & CE Department,
52/A1, Thiruvanthapuram High Road,
Palayamkottai,
Tirunelveli District.

3.The Executive Officer,
Arulmigu Seethala Sivalingeswaran Thirukovil,
& Arulmigu Varaguna Pandeewaran Temple,
HR & CE Department,
Radhapuram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned auction notice dated 10.10.2024 issued by the third respondent for bid to participate in the auction of lease in respect of the properties,



W.P.(MD)No.26367 of 2024

comprised in Survey Nos. 383/1, 384/1, 384/12, 384/13, 384/7, 385/1, 385/3, 460/4, 463/2, 479/1, 480, 481/2, 532/2 and 622 measuring an extent of 22.50 hectares belonging to Arulmigu Seethala Sivalingeswaran Thirukovil, situated at Urumankulam Village, Radhapuram Taluk, Tirunelveli District and quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and consequently direct the respondents to fix the auction sale price as per Rule 6(2) of the Religious Institutions (Lease of Immovable Property) Rules, 1963.

For Petitioner : Mr.R.Murugan

For R-1 and R-2 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard Mr.Mr.R.Murugan, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 and 2.

2. The present Writ Petition has been filed seeking to quash the auction notice dated 10.10.2024 issued by the third respondent to participate in the auction of lease in respect of the subject properties and consequently direct the respondents to fix the auction sale price as per Rule 6(2) of the Religious Institutions (Lease of Immovable Property) Rules, 1963.



W.P.(MD)No.26367 of 2024

3. The learned counsel for the petitioner would submit that the properties were leased to the petitioner from 2002 to 2022 and he had been regularly paying the lease amount. He would further submit that the petitioner had developed the said property and maintained the babul trees therein. He had also spent nearly a sum of Rs.1,00,000/- by digging bore well to convert the same into that of an agricultural land. He would also submit that similarly other villagers had also dug the bore wells to the properties belonging to the respondent department and had cultivated the trees. However, the third respondent had issued a notification calling upon bids for leasing out 14 items of properties including the land in which the petitioner was in possession. He would submit that the petitioner had expended nearly Rs.1,00,000/- only in the year 2022 with the hope that he would be continued in possession by renewing the lease as envisaged under Rule 6(2) of the Religious Institutions (Lease of Immovable Property) Rules, 1963, by enhancing the lease amount by Rs.200/- per year. However, a notice has been issued fixing the minimum lease rent at Rs.2500/- per acre and therefore he would submit that the said notification affects the right of the petitioner as also the rules. He would submit that he is willing to extend the lease by paying an increased lease rental of Rs.200/- per year and therefore would seek to quash the tender notification issued by the third respondent and to direct the respondents to fix the auction sale price in accordance with Rule 6(2) of the said Rules.



W.P.(MD)No.26367 of 2024

WEB COPY

4. The learned Special Government Pleader appearing for the respondents 1 and 2, would vehemently contend that, initially, the petitioner had paid a lease rental of Rs.300/- and after periodical increase, the lease rental of the year 2022 was Rs.1200/-. He would further submit that the petitioner had been paying Rs.1200/- from the Fasali year 1426 which according to him correlates to the year 2017. Hence, he would submit that even assuming Rs.200/- increased per year given for the last 7 years, it would be increased at Rs.1400/- and adding the same to the petitioner's payment for the year 2020, it would be more than Rs.2500/- and therefore seek dismissal of the Writ Petition and the same is without merits.

5. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. Admittedly, the lands belong to the third respondent Temple. The lands have been leased to the petitioner in the year 2002 for the period of 20 years and he has paid the annual rents. The learned counsel for the petitioner had placed heavy reliance on Rule 6(2) of the Religious Institutions (Lease of Immovable Property) Rules, 1963. For better appreciation, relevant rule is extracted hereunder:



W.P.(MD)No.26367 of 2024

WEB COPY

8. For the aforesaid reasons, I do not find any merits in the Writ Petition and accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

The Additional Commissioner,
O/o. the Commissioner of Customs (Preventive),
No.1, Williams Road,
Cantonment,
Trichy – 620 001.



WEB COPY



W.P.(MD)No.26367 of 2024

K.KUMARESH BABU, J.

Nsr

W.P.(MD)No.26367 of 2024

04.11.2024