



WP(MD) No.20786 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twelfth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

WMP(MD) Nos.26296 of 2023 and 16435 of 2024
IN
WP(MD) No.20786 of 2023

WMP(MD) No.26296 of 2023:

RAMACHANDRAN. G

... Petitioner / Respondent No.6

Vs

1 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
TIRUNELVELI

2 THE SUB COLLECTOR
CHERANMAHADEVI,
TIRUNELVELI DISTRICT

3 THE SPECIAL TAHSILDAR
(TEMPLE LANDS),
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
TIRUNELVELI

4 THE TAHSILDAR
RADHAPURAM TALUK,
TIRUNELVELI DISTRICT



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5 THE DEPUTY SUPERINTENDENT OF POLICE,
VALLIYUR,
TIRUNELVELI DISTRICT

... Respondents 1 to 5 / Respondents

6 THIRUVAVADUDURAI ADHINAM
REP. BY INSPECTOR,
VEERANATHAN,
S/O.MURUGAN CHETTIAR,
11/10, THEPPAKULAM STREET,
SCHINDRAM,
AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT

... 6th Respondent / Petitioner

Prayer in WMP(MD). 26296/ 2023 :

To modify the order in WP (MD) Nos.20786 of 2023 dated 24.11.2023 restricting to the Radhapuram Taluk, Tirunelveli District.

WMP(MD) No.16435 of 2024:

SAHAYADAS

... Petitioner / Proposed Respondent

Vs

1 THIRUVAVADUDURAI ADHINAM
REP. BY INSPECTOR,
VEERANATHAN,
S/O.MURUGAN CHETTIAR,
11/10, THEPPAKULAM STREET,
SCHINDRAM,
AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT

... 1st Respondent / Petitioner

2 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT,
TIRUNELVELI.



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3 THE SUB COLLECTOR
CHERANMAHADEVI,
TIRUNELVELI DISTRICT

4 THE SPEICAL TAHSILDAR
(TEMPLE LANDS),
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
TIRUNELVELI.

5 THE TAHSILDAR
RADHAPURAM TALUK,
TIRUNELVELI DISTRICT

6 THE DEPUTY SUPERINTENDENT OF POLICE,
VALLIYUR,
TIRUNELVELI DISTRICT

... Respondents / Respondents

**(*) (R7 to R995 are deleted vide Court order
dated 30.08.2024 in WP(MD) Nos.19642 and
20786 of 2023)**

Prayer in WMP(MD). 16435/ 2024 :

To pass an order to implead the petitioner as a respondent in the writ petition
in W.P.(MD) No.20786 of 2023.

Prayer in W.P(MD)No.20786 of 2023 :-

Writ Petition filed under Article 226 of the Constitution of India, praying this
Court to issue a Writ of Mandamus to appoint a retired Honourable High Court
Judge to monitor the eviction proceedings by the respondents in their lands situated
at Adangarkulam, Palavur, Melekadambankulam South Valliyur, North Valliyur,
Thanakkarkulam, Madhaganeri, Aavaraikulam, Soundraligapuram, Irrukandurai
No.I, II, Shanmugapuram, Ooralvaimili, Alaganeri, Kilakulam, Pillaiyarkudiruppu,



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Sempikulam in Radhapuram Taluk, Thirunelveli District following order of this Honourable Court in C.R.P.(MD).No.1697 of 2014 dated 16.12.2021, W.P.(MD). No.21518 of 2019 datd 28.04.2023, 4325 of 2022 dated 11.03.2022 and W.P.(MD). No.8698 of 2023.

ORDER : These writ miscellaneous petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.AJMAL KHAN, Senior Counsel for Mr.M.RAMU, Advocate for the petitioner in WMP(MD) No.26296 of 2023 and Mr.S.M.ANANTHA MURUGAN, Advocate for the petitioner in WMP(MD) No.16435 of 2024 and of Mr.VEERA KATHIRAVAN, Additional Advocate General assisted by Mr.M.MUTHU MANIKKAM, Government Advocate on behalf of the Respondent Nos.1 to 5 in WMP(MD) No.26296 of 2023 and Respondent No.2 to 6 in WMP(MD) No.16435 of 2024 and of Mr.AJMAL KHAN, Senior Counsel for Mr.M.RAMU, Advocate on behalf of the Respondent No.7 in WMP(MD) No.16435 of 2024, the Court made the following order:-

This petition has been filed to modify the order dated 24.11.2023 passed in W.P (MD)No.20786 of 2023.

2. The main writ petition is filed for Mandamus to appoint a retired Hon'ble High Court Judge to monitor the eviction proceedings in the respondents lands situated at Adangarkulam, Palavur, Melekadambankulam, South Valliyur, North Valliyur, Thanakkarkulam, Madhaganeri, Aavaraikulam, Soundraligapuram, Irrukandurai No.I, II, Shanmugapuram, Ooraivaimili, Alaganeri, Kilakulam, Pillaiyarkudiruppu, Sempikulam in Radhapuram Taluk, Tirunelveli District. The eviction proceedings were initiated based on the orders of the High Court passed in



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C.R.P.(MD)No.1697 of 2014 dated 16.12.2021, W.P.(MD)No.21518 of 2019 dated 28.04.2023, W.P.(MD)No.4325 of 2022 dated 11.03.2022 and W.P.(MD)No.8698 of 2023 dated 18.04.2023.

3. The Learned Senior Counsel submitted that the Adhinam is not having any objection for the rental amount to be paid in Bank account. However, they expressed difficulty is registering the lease deed for a period of five years. Since regular monitoring is necessary, the Leaned Senior Counsel submitted that the lease may be granted for a period of 11 months alone. If the period of five years is granted then the Adhinam may not be able to monitor the lands and the tenants periodically. The said contention of the Senior Counsel cannot be accepted, even if the lease is registered for five years, as a lessor the Adhinam have every right to monitor the land and the tenants once in six months or every year.

4. The next contention of the Adhinam is that there are disputes between the tenants and the Adhinam in the Radhapuram Taluk, wherein the Adhinam or its officials could not enter the Radhapuram Taluk even to collect the rents / lease amounts. However, there is no dispute between the tenants and Adhinam other than Radhapuram Taluk and the lease is working smoothly. The inclusion of area other than Radhapuram is not necessary and hence prayed that the Judge Commissioner is not required for other places. Moreover, they are facing financial



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difficult to make payment of remuneration to the Judge Commissioner. Further they undertake to adopt the draft deed to execute the lease agreement in future. The said contention may not be right, since the real facts on the field are otherwise.

5. After passing the order 24.11.2023, the Judge Commissioner had visited the Kanyakumari District. While, enquiring the tenants there were complaints against the Adhinam officials that they are collecting money as Pathakanikkai, but the said amount is collected for the lease / rents. And the officials were not issuing receipts for the said amount. Further as and when the Adhinam officials are visiting the place they are demanding payment. Hence, the Adhinam officials had collected amount indiscriminately, without accounting, without receipts. Moreover, the lease deed was not executed properly.

6. In the meanwhile, one Sahayadhas, a lessee under Adhinam had filed W.M.P(MD)No.16435 of 2024 to implead himself as proposed 8th respondent in W.P (MD)No.20786 of 2023. The contention of the proposed 8th respondent is that the land in S.No.620,621,627, 695 to an extent of 3 acre and 84 cents in Arumanallur Village, Thovalai Taluk and the land in S.No.387/1, 387/2, 387/3 to an extent of 4 acre and 80 cents of the same totally 8 acres 64 cents village belong to Adhinam. Originally the said land was leased out to one Kalavathi wife of Nallaperumal. Thereafter on 31.03.1999 one Jeyaseela wife of Helsan residing at



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Alagiyapandiyapuram Village, Sembonvilai, Thovalai Taluk had executed a lease agreement in favour of the proposed 8th respondent and he is possession and enjoyment of the said 8 acres 64 cents. The proposed 8th respondent had planted rubber trees and had paid the lease rent regularly to Adhinam until 2016. Thereafter he could not pay the same due to Okhi Cyclone and thereafter Covid-19. Now the Adhinam had declared the proposed 8th respondent an encroacher and is trying to evict him. But he had approached the Adhinam for paying lease rent, but Adhinam is refusing to receive the same. Hence, he had approached the Court to implead himself in the litigation. The Learned Counsel appearing for Adhinam sought time to file counter in W.M.P(MD)No.16435 of 2024. Also submitted that there are suits pending before the concerned Civil Courts and there are allegation and counter allegation between them. Further the said proposed 8th respondent is not the lessee but he is a sub-lessee.

7. After hearing the arguments in W.M.P(MD)No.16435 of 2024, it is seen that the original lessee is one Kalavathi and presently the proposed 8th respondent is in possession of the land. Even according to the said proposed 8th respondent he had paid the lease amount until 2016 but had become defaulter after Okhi Cyclone and Covid. As on date there is no lease agreement between them.

8. Exactly this is the state of affairs in most of the land belonging to



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Adhinam. There is no proper lease agreement between the Adhinam and the lessees in Tirunelveli, Thenkasi and Kanyakumari. Infact the Judge Commissioner has also reported that the tenants are ready and willing to execute lease agreement and pay rent properly.

9. Because of the collection of Pathakanikkai under the guise of lease, there are dispute between Adhinam and the lessees. Further there was demand of payment of lease amount as per the whims and fancies of the Adhinam officials. Further proper lease agreement was not executed with the persons who are in real possession of the land. Hence, it is evident that there are disputes with Adhinam and the lessees and there is no smooth functioning as claimed by the Adhinam.

10. Further, it is seen that there are serious disputes in Chenbagaraman Puthoor, Pancha Lingapuram and Therur, therefore, the Judge Commissioner may finalize the lease with the lessees in these three villages and report the same before this Court.

11. The Judge Commissioner shall intimate the convenient date of visit to the Personal Assistant of Judge Commissioner. Thereafter the Personal Assistant shall intimate the same to the Adhinam officials so that the Adhinam officials shall prepare the necessary records. The Personal Assistant shall also intimate to Tahsildar, Surveyor, Village Administrative Officer and Police officials the date of



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visit so that the work can go on smoothly.

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12. The modification petition filed in W.M.P(MD)No.26296 of 2023 is dismissed. The impleading petition filed in W.M.P(MD)No.16435 of 2024 is allowed. Registry is directed to carry out necessary amendments wherever necessary. The Judge Commissioner is directed to visit the places and file a report before this Court on 27.08.2024.

sd/-
12/08/2024

(*) Corrected as order of this Court dated 30.08.2024 in WP(MD) Nos.19642 and 20786 of 2023

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/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA

To

TO BE SUBSTITUTED WITH THE ORDER DT. 12.08.2024 ALREADEY DESPATCHED

1. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department Tirunelveli
2. The Sub Collector
Cheranmahadevi
Tirunelveli District



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3. The Special Tahsildar
(Temple Lands)
Hindu Religious and Charitable Endowment Department
Tirunelveli

4. The Tahsildar
Radhapuram Taluk
Tirunelveli District

5. The Deputy Superintendent Of Police
Valliyur Tirunelveli District

Copy to

1. The Hon'ble Mr.JUSTICE R.S.RAMANATHAN (RETIRED)
“ Parijatham”, Old No.4 B2,
New No.15, Rajagopalan Street,
Valmiki Nagar,
Tiruvanmiyur
Chennai – 600 041.
2. The Hon'ble Mr.JUSTICE A.SELVAM (RETIRED)
Hospital Road,
Poolankurichi
Thiruppathur Taluk,
Sivagangai District -630 405
- 3) The Registrar Judicial
Madurai Bench of Madras High Court, Madurai
- 4) The District Collector,
Thirunelveli District,
Tirunelveli
- 5) The District Collector,
Kanniyakumari District,
Kanniyakumari



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- 6) The Superintendent of Police,
Kanniyakumari at
Nagercoil.
- 7) The Tahsildar, Agastheeswaram Taluk
Kanniyakumari District, Kanniyakumari
- 8) The Tahsildar, Susindram Taluk
Kanniyakumari District
Kanniyakumari
- 9) G.Ramachandran,
S/o.Govindasamy,
Manager,
South Zonal Thiruvadudurai Adhinam,
West Car Street, Tirunelveli Town,
Tirunelveli District.
- 10.The Superintendent of Police, Valliyoor.
- 11.The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai
- +1 CC to M/s.M.RAMU, Advocate (SR-9845[I] dated 12/08/2024)

ORDER
IN

WMP(MD) Nos.26296 of 2023 and 16435 of 2024
IN

WP(MD) No.20786 of 2023
Date :12/08/2024

ED/GS /SAR- (22/08/2024) 11P / 18C

ED/VR /SAR- (06/06/2024) 11P / 18C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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