



W.P.No.5440 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5440 of 2025

and

W.M.P.No.5998 of 2025

1. D.RAMU
2. D.RAMACHANDRAN
3. MAHARANI,
4. ANGAPPAN

... Petitioners

Vs

1. THE COMMISSIONER,
HINDU RELIGIOUS CHARITABLE ENDOWMENTS,
CHENNAI - 600 034.
2. THE JOINT COMMISSIONER,
HINDU RELIGIOUS CHARITABLE ENDOWMENTS,
VILLUPURAM, VILLUPURAM DISTRICT.
3. THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS CHARITABLE ENDOWMENTS,
VILLUPURAM, VILLUPURAM DISTRICT.
4. THE EXECUTIVE OFFICER,
ARULMIGU SUBRAMANIASWAMY THIRUKOIL,
VALAVANUR KUMARAKUPPAM TALUK,
VILLUPURAM DISTRICT - 605 108.
5. THE INSPECTOR,
HINDU RELIGIOUS CHARITABLE ENDOWMENTS,
VILLUPURAM, VILLUPURAM DISTRICT.
6. JAFFER ALI

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for entire records pertains to order of second respondent dated 14.03.2024 made in Sey. Mu. Na.ga.Enn. 3652/ 2020/A2, quash the same and further direct the respondents 1 to 6 not to remove the petitioners without following due processes of law from possession of the properties situated in S.No.369/3 to an extent of 2.28 Acres, in S.No.374/2 to an extent of 2.00 Acres and in S.No.375/3 to an extent of 3.38 Acres in total extent of 7.66 Acres, in Salayampalayam Village Account, Villupuram Taluk, Villupuram District.

For Petitioner : Mr.A.Gouthaman
For R1 to R5 : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

The writ petition is filed for the Certiorarified Mandamus calling for the entire records pertaining to the order of second respondent dated 14.03.2024 made in Sey. Mu. Na.ga.Enn. 3652/2020/A2, to quash the same and further direct the respondents 1 to 6 not to remove the petitioners without following due processes of law from the possession of the properties situated in S.No.369/3 to an extent of 2.28 Acres, in S.No.374/2 to an extent of 2.00

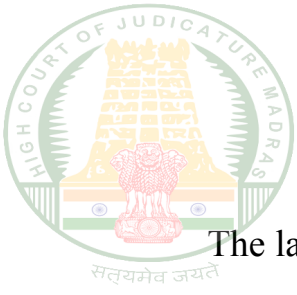


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Acres and in S.No.375/3 to an extent of 3.38 Acres in total extent of 7.66 Acres, in Salayampalayam Village Account, Villupuram Taluk, Villupuram District.

2. The learned counsel appearing on behalf of the petitioners would submit that the petitioners have been in occupation of the said extent of land for more than 50 years. Originally, the father of the petitioners was a tenant and thereafter, the petitioners continued as the tenant. Even recently, the petitioners have been paying rent though irregularly, but the same has been accepted by the respondent authorities. Suddenly, the impugned order has been passed directing the eviction of the petitioners and therefore, the petitioners are before this Court. The father of the petitioners had also filed a suit and decree was passed in favour of the father of the petitioners. In light of this, the respondents are not entitled to evict the petitioners.

3. Per contra, the learned Government Advocate appearing on behalf of the respondents 1 to 5 would submit that the eviction process has already been carried out in this case, and the petitioners were evicted on 28.11.2024.



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The land has been further re- auctioned in favour of third parties.

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4. In reply thereof, the learned counsel for the petitioner would submit that the entire extent was not recovered, and therefore, the entire extent cannot be auctioned.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It is true that the father of the petitioners was originally a tenant and he even filed O.S.No.866 of 1993 before the District Munsif Court, Villupuram, when the properties were again tried to be auctioned to the third parties by way of lease. The decree was also passed in his favour, preventing the auction of the said properties on 25.08.1993. That decree was only in respect of auctioning the leasehold rights to the third parties. However, it can be seen that subsequently, an order of eviction was passed against the father of the petitioners under Section 78 of the TamilNadu Hindu Religious and Charitable Endowments Act, 1959 as early as on 27.06.2001. Thereafter,



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M.P.No. 46 of 2003 was filed before the appropriate authorities to carry out the eviction order and the father of the petitioners himself was duly evicted as per due process of law. After that, the petitioners or his father re-entered the property, which amounted to rank trespass and they cannot claim rights as tenant or lawful occupiers. Therefore, this Court being the *parens patriae* of the temple's property, cannot come to the aid of such illegalities committed by the petitioners. The father of the petitioners was already evicted from the premises as early as in the year 2004 and therefore, this writ petition is dismissed as without any merits.

7. The respondents authority shall secure the properties and properly maintain the same by leasing them out appropriately as per the rules. At this stage, the learned counsel for the petitioner brings to the notice of this Court that no action has been taken with respect to similarly situated persons.

Needless to state that the respondents authority shall look into the matter. If any other person who similarly situated as the petitioners is also in the illegal occupation, action should also be taken by due process of law. The temple's property should be recovered, kept intact, and the rights properly



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administered in the best interest of the temple. Consequently, connected
miscellaneous petition is closed. No costs.

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Neutral Citation: Yes/No
nsl

To

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D.BHARATHA CHAKRAVARTHY, J.

nsI

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