



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-03-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 843 of 2025

AND

CMP NO. 7140 OF 2025

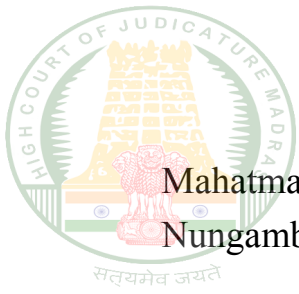
1.Madurai Thennaga Vaniyar Sangam
(a Society registered under the Tamil
Nadu Societies Registration Act, 1975)
No.23, Puttu Thoppu Complex,
Puttu Thoppu Main Road,
Madurai 625 016.
Rep. by its Secretary Mr. P. Murugan

2. K.S.R.Natarajan
President, Madurai Thennaga Vaniyar
Sangam, No.23, Puttu Thoppu
Complex, Puttu Thoppu Main Road,
Madurai 625 016.

Appellant(s)

Vs

1.The Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department,



Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

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2.The Joint Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Madurai 625 001.

3.Arulmigu Puttu Urchava Vagayara
Endowment
No.23, Puttu Thoppu Complex,
Puttu Thoppu Main Road,
Madurai 625 016.
Rep by its Trustee Mr.E.Manickam.

Respondent(s)

PRAYER

To set aside relating to the order in WP No.8903 of 2014 dated 02.09.2024 on the file of this Court.

For Appellant(s): Mr.M.Purushothaman
For Mr.D.Vijay

For Respondent(s): Mr.N.R.R.Arun Natarajan SGP
(For H.R.&.C.E) For R1 & 2
Mr.V.Srikanth For R3



JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

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Under assail is the order dated 02.09.2024 passed in W.P.No.8903 of 2014. The writ petitioners are the appellants before this Court.

2. The writ petition has been instituted challenging the appellate order passed against the fair rent fixation done in respect of the Temple Property occupied by the appellants.

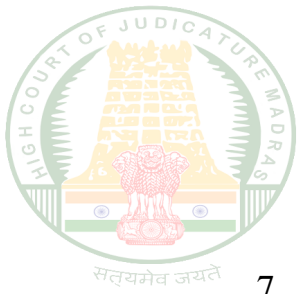
3. According to the learned Special Government Pleader appearing on behalf of the respondents 1 and 2, fair rent was fixed in the year 2008 by following the procedures under Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, through proceedings dated 07.05.2008. The appellants have not challenged the fair rent fixed during the relevant point of time, but preferred an appeal after a lapse of 5 years. The appeal in AP.No.20/2013/D2 was dismissed on 16.08.2013.



4. The appeal itself was not entertainable due to the long delay of 5 years in challenging the fair rent proceedings dated 07.05.2008. However, the appellate authority entertained and decided the appeal on merits, and dismissed the same.

5. The Writ Court adjudicated the issues and found that as on 31.08.2024, the appellants were liable to pay the rental arrears of Rs.36,76,041/- to the Temple. That apart, the lease expired in the year 2011 and admittedly, it was not renewed. Therefore, the appellants were in unauthorised occupation of the Temple properties and were not paying the fair rent fixed by the competent authorities under Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

6. Considering the fact that the Temple properties have been abused and the appellants had not paid the fair rent fixed by the authorities, with the rental arrears amounting to Rs.41,81,000/- , the learned Single Judge dismissed the writ petition.

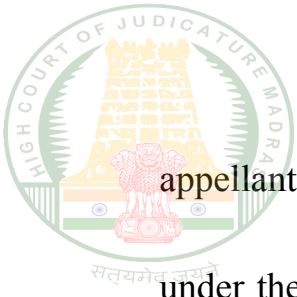


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7. Mr.M.Purushothaman, the learned counsel for the appellants would submit that the fair rent had been erroneously fixed with a commercial rate of rent. As per the Government orders, the appellants are Charitable Association, engaged in welfare activities for the Vaniyar community, and provide services by renting out the hall for marriages and other functions. The learned counsel for the appellants would submit that the properties are being used for other charitable purposes as well.

8. It is contended that the appellants are paying the rent. Since the fair rent fixed is not in accordance with the Government order, the appellants have raised an objection. As per the Government order, commercial rent cannot be fixed for Charitable Associations. Therefore, the writ order is to be set aside.

9. Mr.V.Srikanth, learned counsel for the 3rd respondent / Arulmigu Puttu Urchava Vagayara Endowment would oppose the contentions by stating that the lease had expired in the year 2008. Admittedly, the lease was not renewed. The



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appellants are chronic defaulters in paying the fair rent fixed by the authorities under the Act. Even after the expiry of the lease period, they are in occupation of the premises for the past about 30 years without paying the fair rent as fixed under the Act. That being so, the appellants are not entitled for any relief from the hands of this Court and the writ petition has rightly rejected.

10. Pertinently, the appellants were treated as encrochers after expiry of the lease period and proceedings were initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, culminated in an eviction order dated 12.09.2011. Despite the eviction order, the appellants continue to occupy the property, taking shelter behind a writ petition that has been pending for about 10 years.

11. Consequently, the eviction order passed under Section 78 became final and was implemented. The 3rd respondent took possession of the subject property on 18.03.2025. Since the possession has already been taken pursuant to the writ order impugned, the present writ appeal is to be rejected.



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12. This Court is of the considered view that the procedures are contemplated for fixation of fair rent under Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The Tamil Nadu Hindu Religious and Charitable Endowments Department is duty-bound to maintain temple properties and fix fair rent in respect of the temple property once in every three years scrupulously by following the procedures as contemplated.

13. In the present case, there is an enormous delay in fixation of fair rent by invoking Section 34-A of the Act. That itself was the lapse committed by the competent authorities. The 3rd respondent also has not initiated appropriate action.

14. The Temple authorities and the competent authorities of the Tamil Nadu Hindu Religious and Charitable Endowments Department are duty-bound to maintain the temple properties, which were donated by the great souls in favour of the temple for serving the society. Such noble causes must be

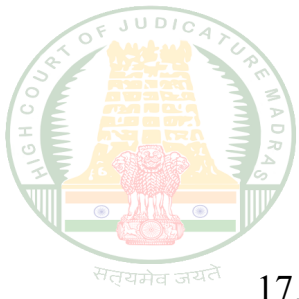


protected, and therefore, any lapses, dereliction of duty or negligence on the part of the authorities must be viewed seriously.

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15. The Commissioner of the Tamil Nadu Hindu Religious and Charitable Endowments Department is directed to ensure that fair rent fixation is carried out in respect of all the properties belonging to the Temple across the State of Tamil Nadu by following the procedures under Section 34-A of the Act. In the event of inaction, omission or commission on the part of authorities, disciplinary action and prosecution should be initiated against all responsible officials.

16. In the present case, the Temple property was leased out to a particular community. Since the lease was granted long ago and renewal of lease was not granted. Subsequently eviction proceedings were initiated. Since the writ petition was pending, there was a delay in evicting the appellants from the premises. However, the appellants were already evicted from the premises in March 2025, after dismissal of the writ petition.

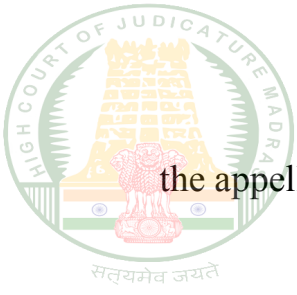


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17. According to the submission of the learned Special Government Pleader, the arrears of rent to be recovered is approximately Rs.41,81,000. The respondents are directed to protect the temple property and utilise the same for the benefit of the temple, and by following the procedures as contemplated under the Act and Rules.

18. Henceforth, the Commissioner of the Hindu Religious and Charitable Endowments Department shall ensure that Temple properties are not leased out to a specific communities, as this would violate the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the Constitutional principles.

19. The learned counsel for the appellants would submit that the appellants have constructed superstructure, but the learned Special Government Pleader countered that required permission under Section 34-C of the Act was not obtained from the competent authorities. In the absence of any permission,



the appellants are not entitled to seek compensation from the Temple.

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20. As far as the arrears of rent is concerned, the respondents are at liberty to initiate all appropriate actions and recover the arrears of rent from the appellants by following the procedures as contemplated. The appellants have not established any semblance of legal right for the purpose of securing relief from the hands of this Court. The Writ Court rightly dismissed the writ petition, and this Court is inclined to confirm the order. Accordingly, the Writ Appeal stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

21-03-2025

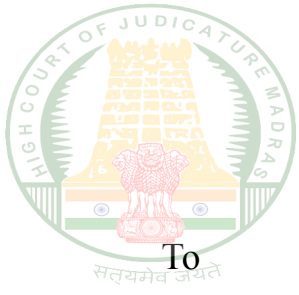
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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