



W.P.Nos.12543 and 12545 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.12543 and 12545 of 2022

and

W.M.P.Nos.12004 and 12007 of 2022 in W.P.No.12543 of 2022

and

W.M.P.Nos.12010 and 12013 of 2022 in W.P.No.12545 of 2022

Sivaprakasam,
S/o P.Srirenga Gounder

.. Petitioner in W.P.No.12543 of 2022

Sampathkumar,
S/o K.P.Kalimuthu

.. Petitioner in W.P.No.12545 of 2022

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Chennai-600 034.

2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tirupur.

3. The Executive Officer,
Arulmighu Agastheeswara Thirukoil,
Tharapuram Taluk,
Tirupur District.

.. Respondents in both the Writ Petitions

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W.P.No.12543 of 2022 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records leading to pass the impugned notice of the third respondent herein, dated 26.04.2022 so far as the petitioner's lease land in Survey No.89/13 to an extent of 1.93 acres and in S.No.90/8 to an extent of 1.49 acres and quash the same.

W.P.No.12545 of 2022 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records leading to pass the impugned notice of the third respondent herein, dated 26.04.2022 so far as the petitioner's lease land at Survey No.76/1, Tharapuram South Village to an extent of 91 cents and quash the same.

For petitioner in both the Writ Petitions :

Mr.Akhash.B for M/s.C.Jagadish

For respondents in both the Writ Petitions:

Mr.S.Ravichandran, Addl.G.P. (H.R & C.E)

COMMON ORDER

W.P.No.12543 of 2022 is filed praying for issuance of a Writ of Certiorari to call for the records leading to pass the impugned notice of the third respondent herein, dated 26.04.2022 so far as the petitioner's lease land in Survey No.89/13 to an extent of 1.93



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acres and in S.No.90/8 to an extent of 1.49 acres and quash the same.

2. W.P.No.12545 of 2022 is filed praying for issuance of a Writ of Certiorari to call for the records leading to pass the impugned notice of the third respondent herein, dated 26.04.2022 so far as the petitioner's lease land at Survey No.76/1, Tharapuram South Village to an extent of 91 cents and quash the same.

3. Brief facts in W.P.No.12543 of 2022:

(a) The lands in Survey No.89/13 to an extent of 92 cents and in Survey No.90/8 to an extent of 1.94 cents, Tharapuram South Village, had been in the petitioner's cultivation for more than 40 years. Originally, the petitioner's grand-father Palaniappa Gounder was the cultivating tenant of the aforesaid lands and his name has been recorded as cultivating tenant in the Government Gazette on 27.02.1972. After his lifetime, the petitioner's mother Masanthammal was cultivating the lands. After the lifetime of Masanthammal, the petitioner is cultivating the aforesaid lands. The petitioner has been duly paying the lease rent to the third

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respondent herein, which has been periodically increased by them. The third respondent, after due receipt of rent, issued receipts in respect of each Survey Numbers separately. The petitioner is cultivating tenant. The third respondent, themselves, had periodically increased the rent. The petitioner had paid a sum of Rs.20,844/- for the Fasali 1430 (year 2020) in respect of Survey No.90/8 and in respect of Survey No.89/13 for the Fasali 1430 (Year 2020).

(b) The petitioner is the cultivating tenant within the meaning of Section 2(5) of the Tamil Nadu Public Trust (Regulation and Administration of Agricultural Lands) Act, 1961. The third respondent has also recognized the petitioner as cultivating tenant. The petitioner is a small farmer and have been eking out his livelihood only by cultivating the land that belongs to the third respondent/Temple. The petitioner is regular in paying the monthly rent and admittedly, there is no default. Knowing fully well that there is no ground to evict me from the property under the provisions of the aforesaid Act, the third respondent herein is trying to evict the petitioner from the lands in Survey Nos.89/13 and 90/8

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and had issued impugned Notice for conducting public auction dated 20.05.2022.

(c) The third respondent-Temple is a "public trust" as defined under Section 2(25) of the Tamil Nadu Public Trust (Regulation and Administration of Agricultural Lands) Act, 1961 and the provisions of the said Act are applicable to the present facts and circumstances of the case. Section 19 of the Act provides for eviction of the cultivating tenant on certain grounds. Without resorting to the remedy under the provisions of the aforesaid Act, the third respondent attempted to conduct public auction in the year 2014 and the petitioner continued to pay the amount as demanded by the third respondent.

(d) The petitioner applied to record his name as cultivating tenant before the Tahsildar-cum-Record Officer, Tharapuram under the Agricultural Land Record of Tenancy Rights Act, 1956 and the application was dismissed. Aggrieved by the same, the petitioner has preferred the appeal before the Special Deputy Collector, Revenue Court, Tiruchirapalli camp at Palani. The third respondent contended that they are entitled to lease out the land by conducting the public auction under the provisions of the Tamil

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Nadu Hindu Religious and Charitable Endowment Act, 1955, read with The Religious Institutions (Lease of Immovable Property) Rules, 1963. The appeal in A.P.No.06 of 2018 (Palani) before the Special Deputy Collector, Revenue Court, Tiruchirapalli (camp at Palani) was posted for hearing on 26.05.2022.

(e) For the Fasli 1431 (2021), the third respondent refused to receive the lease rent which necessitated the petitioner to file a deposit petition before the Revenue Court, Tiruchirapalli camp at Palani in P.Nos.47 and 48 of 2022 to deposit the rent for the Fasli 1431 (2021) and the same is pending. The next date of hearing was on 26.05.2022.

(f) While so, the third respondent served the petitioner the public auction notice, dated 26.04.2022 and claimed that they are going to conduct auction for lease in respect of various lands including the land in Survey No.89/13 to an extent of 92 cents and in Survey No.90/8 to an extent of 1.94 cents Tharapuram Village also. In the said land, the petitioner has been cultivating paddy crops.

(g) The petitioner is the cultivating tenant under the third respondent and had been continuing to be in actual physical

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possession of the property by raising paddy crops. Under the provisions of the Tamil Nadu Public Trust (Regulation and Administration of Agricultural Lands) Act, 1961, or under any other Act, no proceedings are initiated to resume the land from the petitioner's possession. Elaborate procedure is prescribed under the aforesaid Act to restore the possession and also to demand fair rent.

(h) The petitioner is regularly paying the lease rent and the amount paid towards lease rent, which is fair and reasonable amount. Hence, by the impugned notice of the third respondent, dated 26.04.2022, it was proposed to conduct auction on 20.05.2022, so far as the land in Survey No.89/13 to an extent of 92 cents and in Survey No.90/8 to an extent of 1.94 cents, Tharapuram South Village to an extent of 91 cents, which is erroneous and the same is liable to be set aside. Hence, the petitioner has filed W.P.No.12543 of 2022 for the relief stated supra.

4. Brief facts in W.P.No.12545 of 2022:

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(a) The land at Survey No.76/1, Tharapuram South Village to an extent of 91 cents out of 2.33 acres, belongs to the third respondent/Temple. The petitioner had been cultivating the aforesaid lands for the past 20 years by paying annual lease rent to the third respondent/Temple regularly. The third respondent is also issuing the receipt for the same. The petitioner had paid a sum of Rs.13,300/- towards the annual lease rent for the Fasali 1430 (2020). The petitioner is the cultivating tenant within the meaning of Section 2(5) of the Tamil Nadu Public Trust (Regulation and Administration of Agricultural Lands) Act, 1961. The third respondent had also recognized the petitioner as cultivating tenant. The Village Administrative Officer has also certified the petitioner's cultivation. The petitioner is a small farmer and had been eking out his livelihood only by cultivating the land belonging to the third respondent-Temple. The petitioner is regular in paying the monthly rent and admittedly, there is no default.

(b) The third respondent-Temple is "public trust" as defined under Section 2(25) of the Tamil Nadu Public Trust (Regulation and Administration of Agricultural Lands) Act, 1961 and the provisions of the said Act, are applicable to the present facts and

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circumstances of the case. Section 19 of the Act provides for eviction of the cultivating tenant on certain grounds. Without resorting to the remedy under the provisions of the aforesaid Act, the third respondent attempted to conduct public auction in the year 2014 and the petitioner continued to pay the amount as demanded by the third respondent.

(c) While so, the petitioner had applied to record his name as cultivating tenant before the Tahsildar-cum-Record Officer, Tharapuram under the Agricultural Land Record of Tenancy Rights Act, 1956 and the same was dismissed. Aggrieved by the same, the petitioner preferred appeal before the Special Deputy Collector, Revenue Court, Tiruchirapalli camp at Palani. The third respondent contended that they are entitled to lease out the land by conducting public auction under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1955 read with The Religious Institutions (Lease of Immovable Property) Rules, 1963. After taking note of rival contentions, the Special Deputy Collector, Revenue Court, Tiruchirapalli had allowed the appeal by order dated 31.01.2020 in A.P.No.03 of 2018 (Palani) holding that the petitioner is the cultivating tenant under the Tamil Nadu Public

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Trust (Regulation and Administration of Agricultural Lands) Act, 1961. In pursuance of the order, the petitioner's name has already been entered in the Adangal extract as cultivating tenant. Even though the Revenue Court passed order on 31.01.2020, no appeal has been filed by the third respondent herein within the statutory period.

(d) For the Fasli 1431 (2021), the third respondent refused to receive the lease rent which necessitated the petitioner to file a deposit petition before the Revenue Court, Tiruchirapalli Camp at Palani in P.No.41 of 2022 to deposit the rent for the Fasli 1431 (2021) and the same was pending. The next date of hearing was on 26.05.2022.

(e) While so, the third respondent served the petitioner the public auction notice, dated 26.04.2022 and claimed that they are going to conduct auction for lease in respect of various lands including the land at Survey No.76/1, Tharapuram South Village, to an extent of 91 cents also. In the said land, the petitioner had been cultivating paddy crops.

(f) The petitioner is the cultivating tenant under the third respondent herein and had been continuing to be in actual physical

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possession of the property by raising paddy crops. Under the provisions of the Tamil Nadu Public Trust (Regulation and Administration of Agricultural Lands) Act, 1961, or under any other Act, no proceedings are initiated to resume the land from the petitioner's possession. Elaborate procedure is prescribed under the aforesaid Act to restore the possession and also to demand fair rent. The petitioner is regularly paying the lease rent and the amount paid towards lease rent, is fair and reasonable amount. Hence, the impugned notice of the third respondent herein, dated 26.04.2022, proposed to conduct auction on 20.05.2022, so far as the land in Survey No.76/1, Tharapuram South Village to an extent of 91 cents, which is erroneous and the same is liable to be set aside. Hence, the petitioner has filed W.P.No.12545 of 2022 for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents submitted that though the petitioners claimed that they are cultivating tenants under the third respondent, however, no proof was filed before this Court for their tenancy. The Government has already circulated a notification dated 27.02.2015

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called for application from the tenants who are doing cultivation in the temple lands. However, the petitioners have not filed any application so far. As per Section 34 of Tamil Nadu HR & CE Act, lease of immovable property belonging to any religious institutions shall be made by public auction. Therefore, the present impugned orders have been passed insofar as the petitioners' lease lands, which is sustainable and the same needs no interference.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader. Perused the materials available on record.

7. The lands in Survey No.89/13 to an extent of 92 cents and in Survey No.90/8 to an extent of 1.94 cents, Tharapuram South Village, belongs to the third respondent temple, the petitioner in WP.No.12543 of 2022 claimed that he had been cultivating for more than 40 years. The land at Survey No.76/1, Tharapuram South Village to an extent of 91 cents out of 2.33 acres, belongs to the third respondent/Temple. The petitioner in WP. No.12545 of 2022 claimed that he had been cultivating the aforesaid lands for the

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past 20 years by paying annual lease rent to the third respondent/Temple regularly. It is an admitted fact that the land in question belongs to the third respondent temple, which is a listed temple under Section 46 of the TN HR & CE Act. The factum remains that the petitioners name are not recorded as a tenant under the Tamil Nadu Agricultural Lands Records of Tenancy Act. However, they have been cultivating the land in question for many years. To prove their tenancy, the petitioners have not produced any documents either before the respondents or before this Court. In the absence of any proof, the respondents have issued notice to conduct public auction for lease in respect of various temple lands including the subject lands, which is perfectly in order and the same needs no interference.

8. Accordingly, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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M.DHANDAPANI,J.

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Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Chennai-600 034.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
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3. The Executive Officer,
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