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W.P.No.23973 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.23973 of 2021

M.Navaneetham

.. Petitioner

VS

1. The Joint Commissioner
H.R. & C.E. Administrative Department
Salem.

2. The Executive Officer
Arulmigu Narasimhaswamy Temple
Namakkal.

3. V.Arjunan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the first respondent to consider the representation dated 25.09.2021 and 11.10.2021 and pass orders for auctioning the shops situated at Arulmigu Drovpalthiamman Temple, Mohanur Taluk, Namakkal District and collect all the records of the Temple vested with the third respondent for a smooth conducting of the affairs of the Temple.

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For Petitioner : Mr.N.Umapathi

For Respondents : Mr.K.Karthikeyan
Government Advocate
for R1

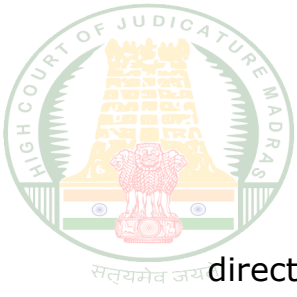
Mr.B.Bharanidharan
Additional Government Pleader
for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to consider the representation dated 25.09.2021 and pass orders by auctioning the shops belonging to the Temple and also to collect all the relevant records belonging to the Temple which are now retained by the third respondent, who has already been removed from the post of "Trustee".

2. When the matter came up for hearing on 03.06.2025, written instructions were furnished to this Court. The written instructions did not state as to how the shops were given on lease and whether any public auction was conducted and hence, this Court

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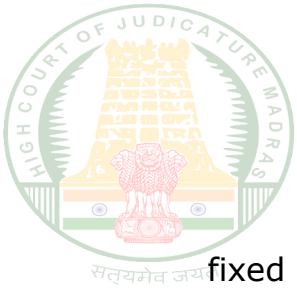
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directed the learned Additional Government Pleader for the second respondent to take instructions. Accordingly, the matter was listed for hearing today.

3.1. *Mr.R.Bharanidharan*, learned Additional Government Pleader appearing on behalf of the second respondent submits that there are three sets of properties belonging to the Temple. The first set of property are two agricultural lands, which have been leased. The second set of property are eleven shops, in which, there were lessees and they continue to be lessees even after the fit person took over the administration of the Temple. The rent is being enhanced once in three years after getting permission and those eleven lessees continue to pay the rents and are in possession and enjoyment of those eleven shops.

3.2. Insofar as the third set of property is concerned, it involves ten shops. It was under the control of encroachers who were over-staying in the shops and hence, steps were taken and they have been evicted during December, 2024. Thereafter, the Committee has

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fixed the rent through proceedings dated 08.05.2025. Hence, steps are being taken to lease the ten shops by way of public auction.

4. The learned counsel for the petitioner submits that the third respondent continues to retain the records belonging to the Temple and it was not handed-over to the fit person.

5. In reply to the above submission, the learned Additional Government Pleader for the second respondent submits that the fit person has taken over the records that were available in the Temple. If there are any other records available with the third respondent, steps will be taken to collect those records also to bring it within the control of the fit person.

6. Taking into consideration the submissions made on either side, there shall be a direction to the second respondent to take immediate steps to auction the ten shops, for which, the rent has already been determined by the committee. This process shall be completed within a period of eight weeks from the date of receipt of a

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copy of this order. Insofar as the records to be collected from the third respondent, the petitioner shall inform the second respondent the records that are retained by the third respondent and thereafter, the second respondent shall take steps to recover those records also and bring it under his control.

7. This writ petition is disposed of in the above terms. There shall be no order as to costs.

05.06.2025

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Neutral Citation: Yes/No

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To

1. The Joint Commissioner
H.R. & C.E. Administrative Department
Salem.
2. The Executive Officer
Arulmigu Narasimhaswamy Temple
Namakkal.

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N.ANAND VENKATESH, J.

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