IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 24893 of 2025
and
WMP Nos.28063 & 28064 of 2025

A.Samraj

Petitioner(s)

Vs

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

2.The Joint Commissioner
Hindu Religious and Charitable
Endowments Department, Kottai
Mariyamman Kovil Temple, Behind
Old Bus Stand, Salem-636 001.

3.The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department, Senguntha
Thirumana Mandabam Complex,
Pennagaram, Main Road,
Dharmapuri-636 701.

4.The Inspector,
Arulmigu Soothirakaragam Temple,
Vepalahalli Village, Palacode Taluk,
Dharmapuri District-636 805.

5.K.Sivakumar
Hereditary Trustee, Arulmigu
Soothirakaragam Temple, Vepalahalli
Village, Palacode Taluk,
Dharmapuri District-636 805.

Respondent(s)

PRAYER

Call for the records and quash the Auction notice dated 20.06.2025 issued by the respondents 4 and 5 and consequently directing the respondents 1 to 3 to ascertain the temple lands before issuing fresh Auction notice and to be conducted the same by the 2nd respondent directly.

For Petitioner(s):	Mr.V.Vijayakumar
For Respondent(s):	Mr.N.R.R.Arun Natarajan SGP For R1 to R4

ORDER

This writ petition has been filed challenging the impugned auction notice issued by the respondents 4 and 5 dated 20.06.2025 and for a consequential direction to the respondents 1 to 3 to ascertain the temple lands before issuing the auction notice.

2. Heard Mr.V.Vijayakumar, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the respondents 1 to 4.

3. The case of the petitioner is that the 5th respondent and his father had sold agricultural lands that were part of their ancestral properties to several persons. Specifically, an extent of 10.46 acres of agricultural land in Survey No.46 was sold in favour of one Venkadasamy @ Pathalan son of V.Kuppusamy through a registered sale deed dated 19.02.1992. Furthermore, the 5th respondent and his wife had sold an additional extent of 1.03 acre of agricultural land in Survey No.21 to one Sujatha through a registered sale deed dated 20.06.2001.

4. It is the specific case of the petitioner that the 5th respondent concealed a material fact, wherein the lands sold were endowed to the temple and they also defaulted in payment of lease amount to the temple for several decades.

According to the petitioner, she is the owner of ancestral agricultural lands measuring 2.25 acres in S.Nos.45/3 and 46. These survey numbers were also included by the 5th respondent. As a result, the respondents 2 and 3 issued notice on the ground that the property belonging to the temple has been encroached.

5. The petitioner and the villagers also filed a petition under Section 53(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the Act'], to remove the 5th respondent from the Hereditary Trusteeship of the temple on the ground that he had committed misfeasance and malfeasance and had also dealt with the property belonging to the temple. The same is pending before the 2nd respondent.

6. The grievance of the petitioner is that the 2nd respondent has now found the petitioner to be an encroacher of the temple property. Hence, a Review Petition was filed in R.P.No.166 of 2024 before the 1st respondent. A writ petition was also filed before this Court in W.P.No.17268 of 2024. This writ petition came to be disposed of by an order dated 02.07.2024, wherein this

Court directed the Commissioner and the Joint Commissioner of Hindu Religious and Charitable Endowment Department to pass orders in the petition which are pending within the period of eight weeks from the date of receipt of a copy of the order. Insofar as the Commissioner is concerned, the revision petition that was filed challenging the notice issued under Section 78 of the Act was directed to be disposed of. Insofar as the Joint Commissioner is concerned, the petition filed under Section 53(2) of the Act to remove the 5th respondent as Hereditary Trustee was directed to be disposed of.

7. The present writ petition has been filed challenging the auction notice dated 20.06.2025 issued by the respondents 4 and 5 mainly on the ground that no decision has been taken by the Commissioner and the Joint Commissioner inspite of the directions issued by this Court and in the mean time attempts are being made to bring the agricultural lands for auction in order to give it on lease.

8. When the matter was taken up in the forenoon session, this Court

directed the learned Special Government Pleader to take instructions on the compliance of the orders passed by this Court in W.P.No.17268 of 2024 dated 02.07.2024. The matter was passed over and it was called in the afternoon session.

9. The learned Special Government Pleader appearing on behalf of the respondents submitted that the Joint Commissioner, through proceedings dated 10.01.2024, directed the petitioner to vacate and hand over the property in Survey Nos.45/3 and 46 within 15 days, failing which further proceedings would be initiated under Section 79 to evict the petitioner. The learned Special Government Pleader further submitted that since this order was not complied with, further proceedings were initiated under Section 79 and on 09.05.2024, the encroachments were removed and the lands were taken possession. To substantiate the same, the learned Special Government Pleader placed the communication made by the Assistant Commissioner to the Commissioner of Hindu Religious and Charitable Endowment Department dated 09.05.2024.

10. It is clear from the above that insofar as the proceedings initiated under Section 78 of the Act, orders have already been passed pursuant to the directions issued by this Court.

11. The petitioner has conveniently concealed the fact regarding the order passed by the Joint Commissioner dated 10.01.2024 and also the fact of taking possession of the property on 09.05.2024. Hence, the petitioner has approached this Court with unclean hands.

12. If the petitioner was genuinely aggrieved by the fact that the 5th respondent had included the property belonging to the petitioner in the sale deeds that was executed in the year 1992 and 2001, nothing prevented the petitioner from questioning the same before a Competent Civil Court seeking for cancellation of the documents insofar as dealing with the property belonging to the petitioner. For reasons best known to the petitioner, such proceedings have not been initiated. The fact that the subject property in S.Nos.45/3 and 46 forms part of the notice issued under Section 78 of the Act and the petitioner has

already participated in the proceedings and has failed to mention about the same in the affidavit filed in support of the writ petition, speaks volumes above the conduct of the petitioner.

13. Hence, this Court does not find any merits in this Writ Petition and accordingly, it is hereby dismissed. No costs. Consequently, the connected Miscellaneous Petitions closed.

08-07-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

Jeni

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N.ANAND VENKATESH J.

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