



W.A(MD) No.9202 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD) No.9202 of 2025
and
W.M.P.(MD)No.6869 of 2025**

Hotel “Divine Fort”,
Represented by its partner,
S.Prema,
East Giri Veethi,
Near Rope Car Station,
Palani,
Dindigul District.

... Petitioner

Vs

- 1.The Secretary,
Hindu Religious and Charitable Endowment Department,
No.119, Nungambakkam High Road,
Chennai-600 034.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Nungambakkam High Road,
Chennai-600 034.
- 3.The District Collector,
Dindigul District, Collectorate,
Dindigul-624 004.



W.A(MD) No.9202 of 2025

4.The Revenue Divisional Officer,
Dindigul District,
Spencer Compound,
Dindigul-624 001.

5.The Executive Officer / Joint Commissioner,
Arulmizhu Dhandayuthapani Sway Temple,
Palani,
Dindigul District.

... Respondents / Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to grant a pathway from the Devasthanam parking through the Girivala Vethi at Palani, towards the ingress and egress and to provide free access to the petitioner's employees, amenities providers and the customers of the Hotel Divine Fort situated in their patta land using their vehicles.

For Petitioner : Mr.Nithyesh Natraj

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 to R4
: Mr.R.Bharanidharan
for Mr.R.Murali
for R5



W.A(MD) No.9202 of 2025

WEB COPY

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

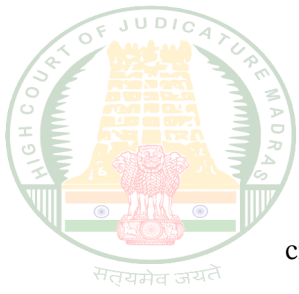
Heard both sides.

2. The petitioner had earlier filed W.P.(MD)No.25086 of 2024 with the following prayer:-

“PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to consider the grievance of the petitioner and to avoid any such measures proposed to be taken under the guise of preventing encroachments in the Girivala Veethi at Palani, to obstruct the petitioner's free ingress and egress to the patta lands at Patta No.1883 in S.No.819/3A, 819/4A and Patta No.1835 in S.No.819/3B, 819/4B, 819/B2 and 821/1A1 at the East Girivithi, Palani Town and to provide free access to the petitioner's employees, amenities providers and the customers of their "Hotel Divine Fort" in the Girivala Veethi to reach their property using their vehicles.”

The Hon'ble Division Bench vide order dated 14.11.2024 disposed of the writ appeal in the following terms:-

“4. Considering the fact that the petitioner's hotel is being run after obtaining necessary Building Planning Permission and that customers coming to the petitioner's Hotel are facing difficulty to have ingress and egress to the petitioner's hotel through the Giriveedhi, the proposal submitted by the petitioner's hotel appears to be reasonable. However, as per Section 34 of the HR & CE Act, the temple authorities are vested with powers only for execution of lease in respect of lands belonging to the temple. In such



WEB COPY



W.A(MD) No.9202 of 2025

circumstances, if any such application is filed by the petitioner's hotel seeking execution of lease, the Devasthanam Board may consider and recommend the proposal for granting lease in favour of the petitioner's hotel, if the said proposal is approved by the HR&CE Department.

5. Therefore, this Court directs the petitioner to make an application to the Devasthanam Board, Palani seeking for grant of lease in respect of lands admeasuring 900 Sq.ft in S.No.819/1A1 in favour of the petitioner's Hotel and if such proposal is submitted, the Devasthanam Board shall forward the same along with their recommendation, as per Section 34A for fixing of fair rent and execution of lease as per Section 34 of the HR & CE Act to the Commissioner, HR & CE Department within a period of three weeks from the date of receipt of a copy of this order. The Commissioner, HR & CE Department shall forward the said proposal to the Secretary to Government, HR & CE Department within a period of four weeks thereafter and the Secretary to the Government, HR & CE Department shall consider and pass final orders granting lease in favour of the petitioner's Hotel as per Rules, within a period of eight weeks thereafter. It is made clear that it is for the authorities to consider for the duration of lease and if any alternative access is available for the petitioner's hotel, then the lease deed granted by the authorities shall be reconsidered for cancellation. It is also made clear that if any periodical lease is required, the authorities may also consider for renewal of lease periodically and enhancement of lease amount.”

Since the time line stipulated by the Hon'ble Division Bench had expired and nothing appears to be forthcoming, the present writ petition has been filed.

3. The learned counsel for the petitioner states that since the customers of the petitioner have been prevented from using Girivala Vethi, the petitioner's business has come to a stand still.



W.A(MD) No.9202 of 2025

WEB COPY

4. The learned counsel appearing for the temple states that proposal has already been submitted to the Commissioner, HR & CE Department. It appears that the Commissioner, HR & CE Department is presently processing the application. It is yet to go to the Government. According to the counsel, it may take few more weeks for the process to get concluded. It appears that the temple has taken an in-principle decision to grant lease of 900 square feet for the petitioner.

5. Taking note of the administrative delay that may be occasioned in the process, we direct the fifth respondent / temple to grant temporary permission to the petitioner to use the petition mentioned 900 square feet of land. Such permission can be granted on appropriate terms and conditions forthwith. This would of-course be subject to the final order that may be passed by the Government. The petitioner is also permitted to carry out facilitation measures in co-ordination with the temple authorities for effective use of the parking space.



W.A(MD) No.9202 of 2025

6. The Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (M.J.R., J.)
04.04.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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NOTE: Issue Order Copy on 07.04.2025

To

1. The Secretary,
Hindu Religious and Charitable Endowment Department,
No.119, Nungambakkam High Road,
Chennai-600 034.

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Hindu Religious and Charitable Endowment Department,
No.119, Nungambakkam High Road,
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3. The District Collector,
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6/7



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W.A(MD) No.9202 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD) No.9202 of 2025

04.04.2025