



W.A.(MD)No.1258 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)Nos.1258 to 1263, 1265 to 1270 of 2022

and

**C.M.P(MD)Nos.9784, 9785, 9787 to 9790, 9818,
9820, 9823, 9825, 9826 & 9828 of 2022**

W.A(MD)No.1258 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.P.Ramasubramaniam

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.



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3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.06.2021 in W.P(MD)No.22072 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7



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W.A(MD)No.1259 of 2022:

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Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.A.Mariappan

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.



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6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.22073 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1260 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.K.Nirmala Devi

... Respondent /
Writ Petitioner



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2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.22074 of 2022 on the file of this Court.



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For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1261 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.P.Shanmugavel

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.



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5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.22075 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1262 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent



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Vs.

1.P.Sakthivel Krishnan

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.22076 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1263 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.S.Usha

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.



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3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.22077 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7



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W.A(MD)No.1265 of 2022:

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Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.P.Ramasubramanian

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.



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6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.21539 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1266 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.P.Shanmugavel

... Respondent /
Writ Petitioner



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2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.21541 of 2022 on the file of this Court.



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For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1267 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

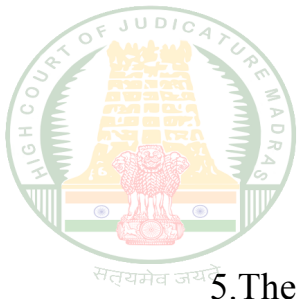
1.K.Nirmala Devi

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.



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5. The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6. The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7. The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.21542 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1268 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent



W.A.(MD)No.1258 of 2022

WEB COPY

Vs.

1.S.Usha

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents



W.A.(MD)No.1258 of 2022

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.21543 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1269 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent

Vs.

1.A.Mariappan

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.



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4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.21544 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

W.A(MD)No.1270 of 2022:

Managing Trustee,
Arulmighu Agastheeswarar Swamy Temple,
Ambasamudram,
Tirunelveli District.

... Appellant /
7th Respondent



W.A.(MD)No.1258 of 2022

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Vs.

1.P.Sakthivel Krishnan

... Respondent /
Writ Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

5.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

6.The Revenue Inspector,
Ambasamudram,
Tirunelveli District.

7.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents /
Respondents



W.A.(MD)No.1258 of 2022

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2022 in W.P(MD)No.21545 of 2022 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Ms.J.Anandhavalli for R.1

Mr.G.S.Selvaganesan
Additional Government Pleader
for R.2 to R.7

COMMON JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The writ petitioners were inducted as tenants by the appellant temple. The trustee of the appellant temple issued communications dated 01.11.2018 calling upon the writ petitioners to remit the lease rent as fixed by the Lease Rent Committee. It was further made clear that in the event of default, they would be evicted. It appears that the writ petitioners did not clear the arrears and pay the lease rent as fixed. Therefore, proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 were taken and shops



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were also sealed. In the meanwhile, the tenants filed suits challenging the aforesaid communications dated 01.11.2018. It is obvious that the suits were not maintainable. Be that as it may, they subsequently filed W.P(MD)Nos.22072 to 22077 of 2022, 21539 of 2022, 21541 to 21545 of 2022. The writ petitions were disposed of vide order dated 22.09.2022 in the following terms:

“5. It is submitted by the learned counsel for the Petitioner that they are ready and willing to pay 75% of the fair rent fixed until 30.06.2022 and also undertake to pay the entire fair rent, for the subsequent period. It was submitted that apart from the fact that the fixation of fair rent is contrary to the consistent view of this Court, inasmuch as the same was fixed without being put on notice, the fact that the petitioner has now come forward to deposit 75% of the fair rent would demonstrate the bonafide's of the Petitioner.

6. It is submitted by the learned counsel for the Respondents that they intend to fix the fair rent for the subsequent period namely for the year 2021 onwards. I do not see if there could be any limitation or restriction on the authority of the Respondents to fix the fair rent in accordance with law for the subsequent period viz, 2021 onwards. The Respondents are at liberty to fix the fair rent in compliance with the procedure for the subsequent period viz 2021 onwards.



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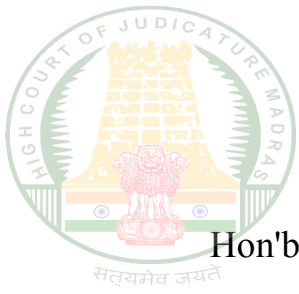


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7. In view of the fact that the Petitioner has now come forward to pay 75% of the fair rent and also in view of the fact that the fixation of fair rent is contrary to the consistent view expressed by this Court that any fixation must be made after issuance of notice by the Fair Rent Fixation Committee, this Court is inclined to restore possession to the Petitioner and direct the Respondents to remove the seal forthwith as the Petitioner had paid 75% of the fair rent fixed until 30.06.2022. The Petitioner shall continue to remit the fair rent fixed until the Fair Rent Fixation Committee completes the process of fixing the fair rent from the year 2017 onwards after providing a reasonable opportunity of being heard to the Petitioner. As stated above, it is made clear that it is open to the Respondents to refix the fair rent a fresh in accordance with law for the subsequent period viz 2021 onwards. For the above reason, the impugned order, dated 01.11.2018 is set aside with the above observation/direction.”

Questioning the same, these writ appeals have been filed.

3.It is admitted by the learned counsel appearing for the appellants that since interim stay was not granted in the Writ Appeals, the order of the learned single Judge was complied with and the shops were allowed to be opened. It is also not in dispute that the procedure laid down by the



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Hon'ble Division Bench in the decision reported in **(2009) 6 CTC 512**

WEB COPY **(Arulmigu Angala Parameswari and Kasivishwanathaswami Temple**

Adimanaiveal House Owners Association & Another Vs The State of

Tamil Nadu & Others) regarding fixation of lease rent was not followed

in this case. Hence, we are of the view that interference with the order passed by the learned single Judge is not warranted.

4.These Writ Appeals are dismissed accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [M.J.R., J.]
05.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.



W.A.(MD)No.1258 of 2022

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2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admin)Department,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

4.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Ambasamudram,
Tirunelveli District.

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Ambasamudram,
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6.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli District.



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W.A.(MD)No.1258 of 2022

G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

MGA

W.A(MD)Nos.1258 to 1263, 1265 to 1270 of 2022
and
C.M.P(MD)Nos.9784, 9785, 9787 to 9790, 9818,
9820, 9823, 9825, 9826 & 9828 of 2022

05.03.2025