

WP(MD). No.19520 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07/04/2025

CORAM

**THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE P.B.BALAJI**

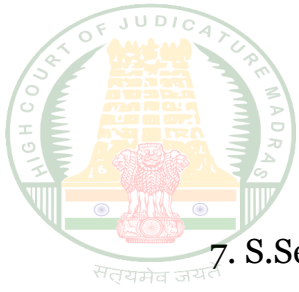
**WP(MD). No.19520 of 2018
and WMP(MD) Nos.17314 and 17315 of 2018**

A.Krishnaswamy

... Petitioner

Vs

1. The Government of Tamilnadu,
Rep. by its Principal Secretary,
Department of Hindu Religious and Charitable Endowments,
Chennai 600 009.
2. The Commissioner,
O/o. the Commisioner (HR & CE),
Hindu Religious and Charitable Endowment,
Chennai 34.
3. The Joint Commissioner /,
Executive Officer,
O/o. Joint Commissioner,
Hindu Religious and Charitable Endowment,
(Annexed and Unannexed Temples),
Kanyakumari.
4. C.Thanunadha Babu
5. Bhagiyanadan
6. A.Johnson



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7. S.Selvam

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8. The Joint Commissioner,
O/o.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tiruvananthapuram Road, Palayamkottai,
Tirunelveli District.

9. The Assistant Commissioner,
Hingu Religious and Charitable
Endowment, Mettu Street, Vadiveeswaram,
Nagercoil-629 002.

10. The Commissioner,
Nagercoil Municipality, Nagercoil..

11. The Superintendent of Police,
O/o.Superintendent of Police, Nagercoil,
Kanyakumari District.

12. The Inspector of Police,
Kottar Police Station, Nagercoil,
Kanyakumari District
(R8 to 12 are impleaded vide order dated
02/01/19 in WMP(MD)no.18342/2018)

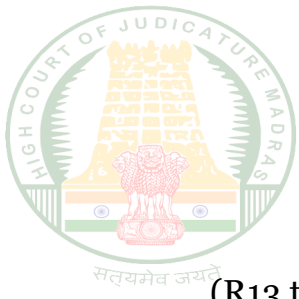
13. Kottar Chettu Nainar Desiga,
Vinayagar Devasthanam Trust,,
Chetty Street, Nagercoil,
Rep by its Trustee,
S.Subramanian,
S/o.Sivathanumalayan..

14. V.Nagarajan,,
S/o.Velu Chettiar, Chetty Street,
Nagercoil..

15. A. Chockalingam

17. A.Ramachandran

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WEB COPY (R13 to R17 are impleaded Vide Order dated 19.09.2022
In Wmp(MD). 1847/2021)

18.T.Asalambiga Gayathri

19. T.Nithya

... Respondents

(R18 and R19 are Impleaded
Vide order dated 12.11.2024 in WMP(MD) No.22872/24)

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the ground rent transfer deed dated 18.01.2013 executed by Respondent No.4 in favour of Respondent No.5 for consideration INR Six Lakhs and consequently direct the Respondent Nos.2 and 3 to initiate criminal action against Respondent Nos.4 to 7 for fraudulently executing a ground rent transfer deed and usurping the religious endowment property to an extent of 15 cents in old survey No.1445, Nagercoil Village, Agastheeswaram Taluk, Kanyakumari District, within the time frame stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil

For Respondents : Mr.P.Thilak Kumar for R1 to R3
& R8 to R10

Government Pleader
Mr.M.P.Senthil for R4

Mr.P.Kottaichamy for R11 & R12
Government Advocate (Crl. Side)
Ms.J.Anandhavalli for R13 to R17
No appearance for R7
R5, R6,R18 & R19 unserved



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ORDER

(Order of the Court was made by P.B.BALAJI, J.)

The petitioner has filed this writ petition as public interest litigation challenging the permission granted by the 4th respondent to the 5th respondent, transferring the ground rent transfer deed dated 18.01.2013 on the ground that the mandate of Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act ('HR&CE Act' in short) has not been followed.

2. According to the learned counsel, it is only the Commissioner of HR & CE Department, who can sanction any lease or mortgage of properties belonging to the temple. However, it is brought to our notice that neither the temple nor the HR&CE Department has executed the transfer deed dated 18.01.2013 and it is only the 4th respondent, claiming to be the trustee of the temple, who has executed the transfer deed in favour of the 5th respondent. It is also brought to our notice that *inter se* disputes are pending between the private respondents and a second appeal is also pending before this Court, where an interim order has also been granted.



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3. In view of the above, when the HR & CE Department has not executed any transfer deed in the first place, there is no violation of Section 34 of the HR&CE Act. We do not find any ground to grant any relief to the writ petitioner.

4. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

(K.R.SHRIRAM, C.J.)

(P.B.BALAJI, J.)

07.04.2025

NCC : Yes/No
Index : Yes/No

RR



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Chennai 34.

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THE HON'BLE CHIEF JUSTICE

AND

P.B.BALAJI, J.

RR

**ORDER
IN**

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