



W.A(MD)No.1454 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2025

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.1454 of 2018
and
C.M.P.(MD)No.10237 of 2018**

Tiruchirappalli Municipal Corporation
Rep. through its Commissioner,
Promenade Road,
Tiruchirappalli – 620 001.

... Appellant

versus

The Idol of Sri Ranganatha Swamy at Srirangam
Through Joint Commissioner/Executive Officer,
Having office at Devasthanam office building
Srirangam,
Tiruchirappalli – 620 006.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying to set aside the order passed in W.P.(MD)No.552 of 2010 dated 10.04.2017.

For Appellant

: Mr.R.Baskaran,
Additional Advocate General
for M/s.R.B.Associates



W.A(MD)No.1454 of 2018

WEB COPY For Respondent : Mr.M.Saravanan

JUDGMENT

P.VELMURUGAN, J.,

The respondent Temple filed a writ petition in W.P.(MD)No.552 of 2010 seeking to quash G.O.Ms.No.76, Municipal Administration and Water Supply (Corporation -2) Department, dated 25.05.2009, issued by the appellant Corporation, for the auction dated 21.01.2010 and to restrain the appellant Corporation from collecting fee for the vehicle entering into the Srirangam Temple. The learned Single Judge, after hearing both sides at length, allowed the writ petition, by order dated 10.04.2017. Challenging the same, the appellant Corporation has filed the present intra Court Appeal before this Court.

2. The case of the respondent Temple is that the Temple is the owner of the lands. The Government also granted a title deed bearing Doc. No.1027 to the Temple. The Temple is the owner of the property in respect of four streets of the temple. There is a space available in the Uthira Veethi and in and around walls in seven prakaram. However, without specifying a particular place or particular area



W.A(MD)No.1454 of 2018

WEB COPY

for the purpose of parking vehicles, the Corporation is collecting parking fees, which is not legally sustainable. The Corporation does not have any power or authority to collect parking fees, without specifying the area for the purpose of parking the vehicles. The Corporation, by way of auction, has illegally permitted the persons to collect fee from the vehicles entering Srirangam Town. Due to the act of the Corporation, the devotees coming to the Temple are put to great hardship. Further, there are lot of complaints given by the devotees with respect to the collection of fees. There is no parking space available in and around the temple and the collection of fee without parking space makes complaint against the Temple. Therefore, the Temple filed a writ petition seeking to quash G.O.Ms.No.76, Municipal Administration and Water Supply (Corporation -2) Department, dated 25.05.2009, for the auction dated 21.01.2010 with respect to Srirangam Division, Sl.No.2, Clause-B dated 31.12.2009 and to restrain the Corporation from collecting fee for the vehicle entering Srirangam Temple.

3. The case of the appellant Corporation is that the appellant Corporation is entitled to collect parking fee from the tourist buses/vans, which are parking in Mambalasalai Road, Ammamandapam Road, Renga Nagar Road,



W.A(MD)No.1454 of 2018

WEB COPY

Ragavendrapuram Road, Gandhi Road, Melur Main Road, etc. Due to intervention of the respondent temple, the Corporation is unable to regulate the parking area. The appellant is an authority that has been entrusted with the statutory duty of maintaining the Trichy City, including Srirangam Town. The Temple, being the largest and only attraction for the visitors visiting Srirangam, cannot say that the Corporation should provide the services and at the same time, seek to restrict the public revenue. The respondent Temple has not provided any parking ground in the places stated in the writ petition. Moreover, the respondent has to obtain permission from the appellant Corporation for providing parking stand which has not even been applied for till date. Therefore, the writ petition is liable to be dismissed.

4. The learned Single Judge, after hearing both sides, allowed the writ petition by setting aside the order of Notification in respect to Srirangam Division, Sl.No.2, Clause-B, dated 31.12.2009. Challenging the same, the appellant Corporation has filed the present appeal.

5. The learned Additional Advocate General submits that the learned single



W.A(MD)No.1454 of 2018

WEB COPY

Judge has erred in law by allowing the writ petition. The learned Single Judge, without analyzing the relief sought for in the writ petition, has passed an order by quashing the auction notice dated 31.12.2009 and restraining the Municipal Corporation from entering, collecting any vehicle fees on the tourist buses/vans in the South Uthira Veethi, Srirangam Temple at Tiruchirappalli District at any point of time. The learned Additional Advocate General further submits that the notification was issued only for collection of vehicle fee at Srirangam Bus Stand and not for collection of parking fee in respect of South Uthira Veethi. Further, in the writ petition, the challenge was made only in respect of the auction notice for the period 2010 to 2013. Subsequently, the auction for the period 2013-2016 and 2016-2019 were already held. Since the period covered under the impugned auction notice itself was over, the prayer sought for in the writ petition has become infructuous. But, the learned Single Judge failed to consider the same and erred in passing the order restraining the Municipal Corporation from entering, collecting any vehicle fees on the tourist buses/vans in the South Uthira Veethi, Srirangam Temple at Tiruchirappalli District at any point of time.

6. The learned Additional Advocate General further submits that the



W.A(MD)No.1454 of 2018

WEB COPY

impugned auction notice and the subsequent auction notice for the period 2013-2016 and 2016-2019 were issued only for collection of vehicle fee in respect of Srirangam Bus Stand and not for collection of parking fee in respect of South Uthira Veethi. But, the learned Single Judge failed to consider that the South Uthira Veethi was excluded in the auction notification. Further, the decree passed in O.S.No.163 of 1957 filed by the Temple is not covered the subject matter of the property and the said decree was not produced before the Court, but, the same was not considered by the learned Single Judge. He further submits that the learned Single Judge failed to consider the admitted fact that all the roads around the temple are laid and maintained by the Corporation and basic amenities, such as, drainage and drinking water facility were also provided by the Corporation. Further, the public toilets are constructed by the Corporation in the South Uthira Veethi and on the request made by the Temple before the Court, the toilet facilities are provided at free of cost to the pilgrims, who are coming to worship the deity and the said toilets were given to the custody of the respondent temple without any cost for the benefits of general public. But, the learned Single Judge failed to note the above real position of facts. Further, the respondent Temple has not proved the title to the road. Therefore, the relief granted by the



W.A(MD)No.1454 of 2018

WEB COPY

learned single Judge is against the principles of law and the same is liable to be dismissed.

7. The learned counsel for the respondent submits that the respondent Temple is the owner of the property and the respondent Temple got the decree in O.S.No.163 of 1957 on the file of the learned District Munsif Court, Tiruchirappalli, which was confirmed by the First Appellate Court in A.S.No.237 of 1958. Further, the title of the property was confirmed by this Court in the second appeal in S.A.No.1168 of 1959. The appellant Corporation has also admitted the fact that the Temple is the owner of the property. The only contention of the appellant is that they are maintaining the road. It is the duty of the local body to maintain the road for the benefit of the public. But, the subject matter of the property is a temple property and there is no space for parking vehicles. However, they are collecting the entry fees in various places in and around Srirangam. Therefore, the appellant is not entitled to collect the parking fee from the devotees, who enter the temple. The learned single Judge has rightly allowed the writ petition and there is no merit in the appeal and the same is liable to be dismissed.



W.A(MD)No.1454 of 2018

WEB COPY

8. Heard both sides and perused the materials available on record.

9. On perusal of the materials, it is seen that the subject matter of the property belongs to the Temple. The appellant Corporation itself has also admitted that the property belongs to the Temple. Even in the counter affidavit filed before the writ Court, the appellant Corporation has admitted that the respondent Temple is the owner of the property, however, the roads in and around the Temple are being maintained by the appellant Corporation. It is admitted that an extent of 10 feet adjacent to all the rampart wall is the property of the Temple. Since the Temple has not provided the parking space, the appellant Corporation is maintaining the road and in order to maintain the road, the appellant Corporation has to generate the revenue for providing facilities to the road users/public.

10. Admittedly, the property belongs to the Temple and all the seven prakarams belong to the temple. Except the Uthira Streets, there are houses in both sides of Chitra Streets. Admittedly, a 22-feet-road is also available in all the Prakarams and the Corporation is maintaining the said roads. In the Uthira



W.A(MD)No.1454 of 2018

WEB COPY

Streets, there is a temple wall in one side and there are houses in the opposite side. Further, there is no space for parking the vehicles.

11. In South Uthira Veethi, a car stand is provided, twice a year in January and April, Deity arrives in his processional car in the midst of great throng of people. The processional car starts from South Uthira Veethi and proceeded towards West Uthira Veethi, North Uthira Veethi, East Uthira Veethi and reaches its stand at South Uthira Veethi. Apart from that, there are several festivals observed throughout the entire year and taking into consideration of the width of the street, the Police Department has fixed “No Parking Boards” in South Uthira Veethi except the place in which a small stand is provided for two wheelers parking by Devasthanam.

12. The appellant Corporation is collecting entry fees from all the roads in and around the Srirangam. Even all the vehicles, which pass through the Temple roads, are paying the entry fees and after entering the temple premises, the devotees are parking their vehicles in the available space and going for dharshanam and thereafter, they will come back and take their vehicles.



W.A(MD)No.1454 of 2018

WEB COPY

Therefore, the collection of parking fees from the devotees is not a healthy trend.

13. As already stated above, except the Uthira Veethi, in all other streets, there are houses available in both sides. Though the appellant Corporation is maintaining the road, it does not mean that the appellant is entitled to collect the parking fees for the vehicles entering the temple. There is no adequate space available for parking the vehicles. As stated earlier, the devotees, after entering the temple premises, are parking their vehicles in the available space and going for dharshanam and thereafter, they will come back and take their vehicles.

14. It is pertinent to note that petrol and diesel prices are rising, and the Government is collecting road taxes at the time of vehicle purchase. Furthermore, the Government is also collecting toll fees while travelling. Additionally, an entry fee is being collected when entering Srirangam Town. Moreover, the available parking space is insufficient, as there is no designated area for parking vehicles. The activities at the temple are not commercial in nature, as devotees visit the temple solely for worship. Therefore, the devotees should not face inconvenience, and floating a tender for parking services would likely create unnecessary



W.A(MD)No.1454 of 2018

WEB COPY

disruptions. Considering that the public is already paying sufficient taxes, including an entry fee while entering Srirangam Town, imposing further charges, especially when no adequate parking space is available, is unreasonable. It is both the duty of the appellant Corporation and the government's responsibility to extend certain facilities to the devotees, such as providing free parking. Since the appellant Corporation is already collecting entry fees on the roads outside the temple, it is not entitled to charge for parking vehicles entering the temple premises. Hence, this Court does not find any merit in the appeal, and thus the order passed by the learned Single Judge in W.P.(MD)No.552 of 2010 dated 10.04.2017 does not warrant interference.

15. Accordingly, this writ appeal is dismissed by confirming the order dated 10.04.2017 passed in W.P.(MD)No.552 of 2010. No costs. Consequently, connected miscellaneous petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
14.02.2025

NCC : Yes/No
Index : Yes / No
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WEB COPY



W.A(MD)No.1454 of 2018

P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

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Judgment made in
W.A(MD)No.1454 of 2018

14.02.2025