

W.P. No.29684 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.10.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.29684 of 2024

and

W.M.P. Nos.32335 and 32336 of 2024

T.R. Ramesh

.... Petitioner

Versus

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
119, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 039.

2. The Executive Officer,
Sri Somanathaswamy Temple,
Kolathur,
Sannathi Street,
Sarojini Nagar,
Kolathur,
Chennai – 600 099.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for the records relating to R.C. No.46422/2021/R2, dated 03.09.2024 published in Tamil News Paper “Makkal Kural”, dated 08.09.2024 quash the same.



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For Petitioner
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For Respondents

: Mr.Niranjan Rajagopalan
for M/s.G.R. Associates
: Mr.N.R.R. Arun Natarajan
Spl. Govt. Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. This writ petition has been filed to call for the records relating to R.C. No.46422/2021/R2, dated 03.09.2024 published in Tamil News Paper “Makkal Kural”, dated 08.09.2024 and to quash the same.

3. It is stated that the petitioner is a Saiva Siddhanta, devotee of Sri Somanthaswamy Temple and aggrieved by the order of the 1st respondent, dated 03.09.2024 in publishing the impugned notice, dated 08.09.2024, this writ petition has been filed. The impugned order relates to the proposed lease of 2.50 acres of land belonging to Sri Somanthaswamy Temple, Kolathur for a period of 25 years to Sri Kapaliswarar Temple, Mylapore for the establishment of an Arts and Science College.

4. Learned counsel for the petitioner submitted that the statutory requirements of Section 34 of the TN HR & CE Act, 1959, including obtaining approval for alienation and publishing mandatory information related to the lease was not complied by the respondents. He vehemently



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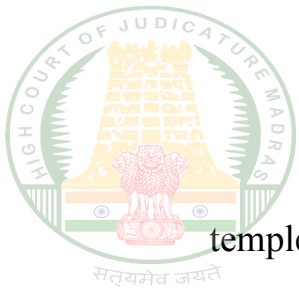
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argued that the impugned notification was not issued in accordance with seven rules prescribed in G.O. Ms. No.866, Revenue, dated 15.02.1960, more particularly, the following rules :-

- i) the Revenue assessed on the properties (e.g. Land, revenue, cess, quit-rent, ground-rent, property tax, etc.) where seven r. – rules -2 sub clauses – seven notification
- ii) For sale or lease, the expected price or rental
- iii) Purpose for which the raised amount will be utilised.

5. He further submitted that pursuant to filing of W.P. No.24156 of 2021 with regard to challenge of G.O. (MS.) No.188, dated 06.10.2021, the Hon'ble Division Bench of this Court issued certain interim directions. He strongly argued that during the pendency of the aforesaid writ petition, the impugned notification was issued, which relates to alienation of temple lands and if any further proceedings issued based on the said notification, more prejudice would be caused. Hence, he prays for setting aside the impugned order of the 1st respondent as well for allowing this writ petition.

6. Denying the contentions made by the learned counsel for the petitioner, Mr.N.R.R. Arun Natarajan, learned Special Government Pleader submitted that subsequent to passing of resolution, the 2nd respondent appointed Trustees and therefore, no prejudice would be caused to the said



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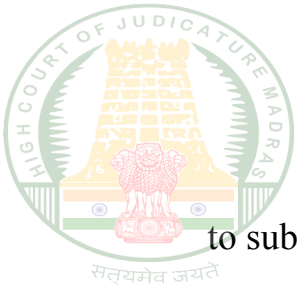
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temple land. Further due procedures and guidelines prescribed would be followed at the time of entering into lease. Also, he submitted that as per the notification, which is impugned herein, the petitioner or aggrieved persons may submit their written objections / suggestions before the 1st respondent on or before 09.10.2024. Therefore, instead of submitting his written objections before the 1st respondent, the petitioner has approached this Court, which is not maintainable. Finally, he submitted that the impugned notification is a valid and legally sustainable one and thus, it calls for no interference of this court and prays for dismissal of this writ petition.

7. Heard the submissions made by learned counsel on both sides and perused the materials placed on record.

8. On scrutiny of the notification, which is impugned herein reveals that subject temple lands are meant for a long term lease to run a college, and thus, the object is a benevolent one. When that be so, this Court is of the considered opinion that if the petitioner intends to point out some irregularities or procedural deviations committed by the respondents, the same can be submitted before the 1st respondent by way of written objections / suggestions and hence this Court is not inclined to interfere in the impugned notification at this stage.

<https://www.mhc.tn.gov.in/judis> 9. In view of the above, this Court issues a direction to the petitioner



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to submit their written objections / suggestions before the 1st respondent, on or before 09.10.2024. On receipt of such objections, the 1st respondent shall consider and pass appropriate orders on merits and in accordance with law in terms of the relevant G.O.s

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.10.2024

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
119, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 039.

M.DHANDAPANI, J.

vsi2

2. The Executive Officer,
Sri Somanathaswamy Temple,

<https://www.mhc.tn.gov.in/judis>



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Kolathur,
Sannathi Street,
Sarojini Nagar,
Kolathur,
Chennai – 600 099.

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