

**SUPREME COURT OF INDIA****Bench: Justices J.K. Maheshwari and Sanjay Karol****Date of Decision: 23rd February 2024**

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(C) NOS.11225-11256 OF 2021

SPECIAL LEAVE PETITION(C) NOS.8251-8252/2022

**K. BALASUBRAMANI ETC. ... PETITIONER(S)****VERSUS****THE TAMIL NADU GOVERNMENT REPRESENTED BY THE  
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT AND OTHERS  
ETC. ... RESPONDENT(S)****Legislation:**

Hindu Religious and Charitable Endowments Act, 1959

**Subject:** Dispute between tenants and landlords of shops in the premises of Arulmighu Dhandayuthpani Swamy Temple, Palani, concerning termination of lease/licence and ejection of tenants declared as encroachers under the Act.

**Headnotes:**

Tenancy and Ejection – Ejection of Tenants from Temple Properties – The Supreme Court dealt with petitions involving tenants occupying shops in temple properties managed under the Hindu Religious and Charitable Endowments Act, 1959. The tenants were declared encroachers post-termination of their lease/licence, leading to ejection orders. [Para 1-2]

Dispute Resolution – Amicable Settlement – The Court noted the efforts of counsel leading to a mutually agreeable resolution between the landlords (temple authorities) and tenants. Specific terms for ejection and continued occupation under certain conditions were agreed upon. [Para 3-4]

Terms of Settlement – Specific Conditions for Ejection and Continued Occupation – The Court outlined detailed conditions for the ejection of 19 tenants who failed to clear arrears and for 51 tenants allowed a further six-month occupation under revised rent rates of 2015. Conditions included no property damage, adherence to municipal by-laws, clearance of statutory dues, and reduced rent payment for the COVID-19 pandemic period. [Para 4(a)-(i)]

Development Rights – Preferential Treatment for Existing Tenants – In case of future property development, the existing tenants (51 in number) were granted preferential treatment in shop allotment, subject to participation in the allotment process and matching the highest bid price. [Para 4(f)]

Compliance and Undertaking – Filing of Undertaking by Tenants – Tenants were directed to file an undertaking agreeing to the terms within three weeks. Non-compliance could lead to ejection proceedings and contempt actions. [Para 4(g)-(j), 5]

Order – Disposal of Petitions and Applications – The Court disposed of the petitions and any pending applications in the terms agreed upon by the parties. [Para 5]

Referred Cases: None.

## **J U D G M E N T**

### **Sanjay Karol, J.**

1. Briefly set out, the instant petitioners (*hereinafter referred to as the “tenants”*) were inducted as tenants/licencees in different shops, *vide* different transactions, owned by the respondents herein (*hereinafter referred to as the “landlords”*). The respondent-landlords are managing the affairs of a temple, i.e., Arulmighu Dhandayuthpani Swamy Temple, Palani, under the Hindu Religious and Charitable Endowments Act, 1959 (*hereinafter referred to as “the Act”*).

2. Post-termination of their original lease/licence period, the tenants stand declared as encroachers under the provisions of Section 78 of the Act. In terms of the impugned judgment and order dated 22.03.2021 passed in a batch of writ petitions initiated by the instant tenants, the High Court, while affirming the impugned action, directed the tenants to hand over the vacant and peaceful possession of the premises, individually occupied by each one of the tenants, to the landlord.

3. On 08.01.2024, when the matters came up for hearing, with an endeavor to have the dispute amicably resolved, putting an end to the protracted litigation, certain offers were exchanged between the parties through their respective learned counsel. As such on a joint prayer, the matters were adjourned for today.

4. Appreciably, more so on account of the efforts put in by the learned counsel appearing for the respective parties, the *lis inter se* the parties stand resolved on the following mutually agreeable terms and on the basis of the instructions imparted to the learned counsel for the respective parties, as stated in the Court, these petitions are being disposed of in the following terms :-

- (i) The order of ejectment passed by the authorities under the provisions of the Act stands affirmed.
- (ii) With respect to 19 tenants, particulars whereof are given herein below in a tabular chart, it shall be open for the landlord to forthwith initiate proceedings seeking possession in accordance with law. We are constrained to pass such an order for, despite opportunities afforded till date, they have not cleared arrears of rent/occupation charges.

	<b>S. NO.</b>	<b>NAME</b>	<b>SHOP</b>	<b>STATUS BEFORE THIS HON'BLE COURT</b>
	1.	P. KANNAN	THANDAPANI	PETITIONER NO.27
		S/D/W/Thru:- PARAMASIVAMNILAYAM WEST, SHOP NO.2		
2.	K. KUPPUSAMY	VELAN VAN VIDUTHI,		PETITIONER NO.37
		S/D/W/Thru:- SHOP NO.1 KARUPPANNAGOUNDER		
3.	A. BALAKRISHNAN	VELAN VAN VIDUTHI		PETITIONER NO.38
		S/D/W/Thru:- AZHAKUMARISHOP NO.2		
4.	A. BALAKRISHNAN	VELAN VAN VIDUTHI		PETITIONER NO.38
		S/D/W/Thru:- AZHAKUMARI, SHOP NO.3		
5.	R. MURUGANANTHAM	VELAN VAN VIDUTHI		PETITIONER NO.39
		S/D/W/Thru:- RAMASAMY SHOP NO.6		
6.	R. MUTHUKUMAR	PALAYAM VINAYAGAR		PETITIONER NO.40
		S/D/W/Thru:- RAJIPILLAI KOIL		

- SHOP NO.1  
7. S. LAKSHMANAN PALAYAM VINAYAGAR PETITIONER  
NO.41  
S/D/W/Thru:- SIVARAMA KOIL
- SHOP NO.2  
8. SUBBURAJ S/D/W/Thru:- PALAYAM VINAYAGAR PETITIONER  
NO.42  
PACHAMUTHU KOIL
9. SHOP NO.3  
N. SHANMUGAM POONGA ROAD PETITIONER NO.43  
S/D/W/Thru:- SHOP NO.2  
NATARAJACHETIER
10. P. ANGHULAKSHMI POONGA ROAD PETITIONER NO.44  
S/D/W/Thru:- SIVAPACKIAMSHOP NO.2
11. V. MARAGATHAM POONGA ROAD PETITIONER NO.45  
S/D/W/Thru:- VAIRAVAN SHOP NO.3
12. V. MARAGATHAM POONGA ROAD PETITIONER NO.45  
S/D/W/Thru:- VAIRAVAN SHOP NO.4
13. R. SUBRAMANIAN POONGA ROAD PETITIONER NO.46  
S/D/W/Thru:- RAMASAMY SHOP NO.5
14. G. MATTAN PETITIONER NO.51  
THIRUGNANASAMBANDAM THAMBIRAAN KOVIL  
S/D/W/Thru:- GOVINDRAJ SHOP NO.3
15. G. MATTAN PETITIONER NO.51  
THIRUGNANASAMBANDAM THAMBIRAAN KOVIL  
S/D/W/Thru:- GOVINDRAJ SHOP NO.4
16. G. MATTAN PETITIONER NO.51  
THIRUGNANASAMBANDAM THAMBIRAAN KOVIL  
S/D/W/Thru:- GOVINDRAJ SHOP NO.5
17. S.R. VIJAYARAJAN PALAYAM VINAYAGAR PETITIONER NO.85  
S/D/W/Thru:- RASUPILLAI KOVIL  
2/121, VILPATTI, SHOP NO.4 KODAIKANAL TALUK
18. P. KANNAN THANDAPANI PETITIONER  
S/D/W/Thru:- PARAMASIVAMNILAYAM, NO.27  
SHOP NO.7
19. P. ANGHULAKSHMI SIRUKUDIL PETITIONER  
S/D/W/Thru:- SIVAPACKIAMSHOP NO.5 NO.44
- NOTE : TOTAL S.NO 19  
TOTAL SHOPS NO. 19

(iii) With respect to the remaining 51 tenants (total shops 65 in number) particulars whereof are given hereinbelow in a tabular chart, the petitions are disposed of on the following mutually agreed terms :-

	<b>S.NO.</b>	<b>STATUS</b>	<b>NAME</b>	<b>SHOP</b>
<b>BEFORE THIS HON'BLE COURT</b>				
1.	PETITIONER K. BALASUBRAMANI	KUDAMULAKKU	SHOP	NO.1
	S/D/W/Thru:- KALIAPPAN	NO.36 & 35		
2.	PETITIONER ALAGURAJA	KUDAMULAKKU SHOP		
	NO.2 S/D/W/Thru:- ARUMUGAM			NO. 32
3.	PETITIONER C.V. JEEVANANTHAM	KUDAMULAKKU SHOP		
	NO.3 S/D/W/Thru:- C. VAITHIANATHANNO.			07
	AND 08,			
4.	PETITIONER P. PANDIAN	KUDAMULAKKU SHOP		
	NO.4 S/D/W/Thru:-			NO. 29,
<b>BALANARAYANACHETTIAR</b>				
5.	PETITIONER R. MARIYAPPAN	KUDAMULAKKU	SHOP	NO.5
	S/D/W/Thru:- RAMASAMY	NO.4,		
6.	PETITIONER K. THANGARAJ	KUDAMULAKKU	SHOP	NO.6
	S/D/W/Thru:- KALIMUTHU	NO. 31		
7.	PETITIONER V. SUBRAMANIAN	KUDAMULAKKU SHOP		
NO.7	S/D/W/Thru:- VENKATACHALAM	NO. 11 CHETTIAR		
8.	PETITIONER SWAMINATHAN	KUDAMULAKKU SHOP		
NO.8	S/D/W/Thru:- A. ALAGAPA	NO. 14, CHETTIAR		
9.	PETITIONER K. UTHIRAM	S/D/W/Thru:- KUDAMULAKKU	SHOP	NO.9
	KARUPPANAPILAI	NO. 2 AND 3,		
10.	PETITIONER K. KUMAR	KUDAMULAKKU SHOP		
	NO.10 S/D/W/Thru:- KARUPPASAMY			NO. 33,
11.	PETITIONER K. DHANDAPANI	KUDAMULAKKU SHOP		
	NO.11 S/D/W/Thru:- KARUPPANAPILAI			NO. 27,
12.	PETITIONER K. BALASUBRAMANI	KUDAMULAKKU	SHOP	NO.12
	S/D/W/Thru:- KALIAPPAN	NO. 20,21 &22,		
13.	PETITIONER G. GANESH	KUDAMULAKKU SHOP		
	NO.13 S/D/W/Thru:- GOPALAKRISHNANNO.			12,
14.	PETITIONER SENTHILANDAVAN	KUDAMULAKKU SHOP		
	NO.14 S/D/W/Thru:- ALAGAPPA			NO. 13,
	CHETTIAR			
15.	PETITIONER K. BALAMURUGAN	KUDAMULAKKU	SHOP	NO.15
	S/D/W/Thru:- KALIMUTHU	NO. 34,		

16. PETITIONER P. VENKATESAPANDIAN KUDAMULAKKU SHOP  
NO.16 S/D/W/Thru:- PANNEERSELVAM NO. 10 ,
17. PETITIONER PANDIYARAJAN KUDAMULAKKU SHOP  
NO.17 S/D/W/Thru:- PANNEERSELVAM NO. 9,
18. PETITIONER S. SENTHILKUMAR KUDAMULAKKU SHOP  
NO.18 S/D/W/Thru:- SIVASANKARANNO. 5,
19. PETITIONER MANJULA KUDAMULAKKU SHOP  
NO.19 S/D/W/Thru:- PERUMAL NO. 23,
20. PETITIONER A. KRISHNAN KUDAMULAKKU SHOP  
NO.20 S/D/W/Thru:- ARUNACHALAMNO. 25,
21. PETITIONER K. GOPALSAMY KUDAMULAKKU SHOP  
NO.21 S/D/W/Thru:- KRISHNASAMY NO. 6 ,
22. PETITIONER R. SUNDARESAN KUDAMULAKKU SHOP NO.22  
S/D/W/Thru:- RENGASAMY NO. 1,
23. PETITIONER NAMAGIRITHAYAR KUDAMULAKKU SHOP NO.23  
S/D/W/Thru:- V. NAGARAJ NO. 30,
24. PETITIONER K. BAKTHAN DHANDAPANI  
NO.24 S/D/W/Thru:- KUNJUKANNAN NILAYAM  
SHOP NO. 6,
25. PETITIONER A. BALASUBRAMANIAN DHANDAPANI  
NO.25 S/D/W/Thru:- ANGAMUTHUNILAYAM SHOP  
NO. 5,
26. PETITIONER G. KANNAN S/D/W/Thru:- DHANDAPANI NO.26  
GANAPATHY NILAYAM SHOP NO.4
27. PETITIONER S. MUNIAPPAN DHANDAPANI  
NO.28 S/D/W/Thru:- SINGARAELU NILAYAM  
WEST SHOP  
NO.12
28. PETITIONER SARASWATHY DHANDAPANI  
NO.29 S/D/W/Thru:- SRISAILAMNILAYAM SHOP  
NO.1
29. PETITIONER S. RAMACHANDRAN DHANDAPANI NO.30 S/D/W/Thru:-  
NILAYAM SHOP NO.2 SUBRAMANIYAIYYER
30. PETITIONER S. USHA RANI S/D/W/Thru:- DHANDAPANI  
NO.31 SAKTHIVEL NILAYAM SHOP NO.3
31. PETITIONER R.D.K. THANGARAJ DHANDAPANI NO.32 (R.T.K.  
THANGARAJ) NILAYAM SHOP NO.10  
S/D/W/Thru:- KANDASAMY
32. PETITIONER V. BANUMATHI DHANDAPANI  
NO.34 S/D/W/Thru:- VENKATHACHALAM NILAYAM  
SHOP NO.8.
33. PETITIONER A. KARUNANIDHI DHANDAPANI

- NO.36 S/D/W/Thru:- AMIRTHA NILAYAM SHOP  
NO.11,
34. PETITIONER N. DHANSEKARAN MANGAMMAL  
NO.47 S/D/W/Thru:- NATRAYAN MANDAPAM  
SHOP NO.1
35. PETITIONER V. SHARADHA MANGAMMAL  
NO.48 S/D/W/Thru:- VELMURUGAN MANDAPAM  
SHOP NO.3
36. PETITIONER A. NAGARAJAN S/D/W/Thru:- MANGAMMAL  
NO.49 ANGUSAMY MANDAPAM SHOP  
NO.4,5 AND 6
37. PETITIONER V. PUSHPAVALLI MANGAMMAL  
NO.50 S/D/W/Thru:- VIJAYAKUMAR MANDAPAM  
SHOP NO.7
38. PETITIONER C. KANNIAMMAL KAL MANDAPAM SHOP  
NO.52 S/D/W/Thru:- CHINNAPPA NO.1,  
GOUNDER
39. PETITIONER C. THANGAVEL S/D/W/Thru:- KAL MANDAPAM SHOP  
NO.53 CHELLAPPA NO.2
40. PETITIONER A. CHANDRAKALA SIRUKUDIL SHOP NO.2,  
NO.54 S/D/W/Thru:- ANGUSAMY
41. PETITIONER N. GOPAL SIRUKUDIL SHOP NO.3  
NO.55 S/D/W/Thru:- NITHYANANDHAM & 4
42. PETITIONER G. KULATHAIVELU SIRUKUDIL SHOP NO.6  
NO.56 S/D/W/Thru:- GURUNATHAN
43. PETITIONER D. KARTHIKEYAN OLD HEAD OFFICE  
NO.57 S/D/W/Thru:- DHANDAPANI SHOP NO.1 &  
4  
KUDAMULAKKU, SHOP NO.15 & 16
44. PETITIONER V. PERIYASAMY OLD HEAD OFFICE  
NO.58 S/D/W/Thru:- VILANGADIAN SHOP NO.2
45. PETITIONER P. MANIKANDAN OLD HEAD OFFICE  
NO.59 S/D/W/Thru:- PALANISAMY SHOP NO.3
46. PETITIONER G. GANESH KUDAMULAKKU, SHOP  
NO.69 S/D/W/Thru:- GOGULAKRISHNAN  
NO.28
47. PETITIONER C. LAKSHMIPATHYRAJU KUDAMULAKKU, SHOP  
NO.72 S/D/W/Thru:- CHELLAMUTHU NO.18 & 19
48. PETITIONER S. KARUPASAMY KUDAMULAKKU, SHOP  
NO.75 S/D/W/Thru:- SOMASUNDARAM NO.24 & 26
49. PETITIONER M. VELUMANI S/D/W/Thru:- SIRUKUDIL SHOP NO.1  
NO.84 MURUGAN

50.	RESPONDENT	J. IYYAPPAN S/D/W/THRU.GOPAL	KUDAMULAKKU, SHOP	NO.6 (RESPONDENT NO.6)	NO.17	
51.	RESPONDENT	V. SURESH BABU (RESPONDENT	DHANDAPANI	NO.5	NO.5)	NILAYAM SHOP NO.9

NOTE : TOTAL S.NO 51  
TOTAL SHOPS NO. 65

- a) The order of ejectment *qua* all these 51 tenants stand affirmed. However, as mutually agreed, they are allowed to occupy the premises for a further period of six months. These tenants, through their respective counsel have undertaken to hand over the vacant and peaceful possession of the respective demised premises under their occupation to the landlord on or before 31<sup>st</sup> July, 2024. These tenants shall be liable to pay rent as it stood revised in the year 2015 and not in the year 2018. As such, not only shall they clear all arrears of rent/damages/mesne profit, if any, within a period of four months from today, but also continue to pay the same at the rates revised in the year 2015 for such period they shall continue to occupy the premises.
- b) These tenants shall not cause any damage to the properties, create any encumbrance, or transfer possession, in any manner, of the demised premises.
- c) These tenants shall continue to use and occupy the property and enjoy the same strictly in terms of the municipal by-laws. No further construction, more so unauthorized in nature, shall be carried out by them.
- d) Before handing over the possession of the demised premises, these tenants shall clear all statutory dues as mutually agreed *inter se* the parties.
- e) For the period of 280 days for which the petitioners could not fully utilize the demised premises during the pandemic COVID-19, they shall be liable to pay agreed rent/charges only @50%. Clarifying further, the rent/charges shall be paid at the rates revised in the year 2015 and not in 2018 and the period of 280 days shall be computed commencing from 20.03.2020.
- f) It is clearly understood *inter se* parties that the landlords intend to develop the property, providing better facilities to the pilgrims. However, should the landlord ever carry out development, by constructing shops, in that event these tenants (51 in number) shall be given preferential treatment, subject



of course, to their participating in the process of allotment and matching the price bid of the highest bidder.

- g) In the event the tenant(s) violating any of these terms, it shall be open to the landlord(s) to initiate the proceedings for obtaining possession in terms of the order of ejectment and also initiate proceedings for contempt, if so advised.
- h) Needless to add, the landlord(s) shall not cause any hindrance in the peaceful occupation and enjoyment of the demised premises by these tenants.
- i) All pending litigation(s), if any, *inter se* the parties in relation to the demised premises shall stand closed.
- j) These tenants shall file an undertaking before this Court agreeing to the aforesaid terms, within a period of three weeks from today.

5. The petitions shall stand disposed of in the aforesaid terms. Pending application(s), if any, shall also stand disposed of.

© All Rights Reserved @ LAWYER E NEWS

\*Disclaimer: Always compare with the original copy of judgment from the official website.