

ITEM NO.17 Court 2 (Video Conferencing) SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).20051-20052/2019
(Arising out of impugned final judgment and order dated 19-03-2019
in WP No. 7075/2019 19-03-2019 in WMP No. 7791/2019 passed by the
High Court Of Judicature At Madras)

K. RAMALINGAM & ORS.

Petitioner(s)

VERSUS

GOVERNMENT OF TAMIL NADU REP. BY ITS SECRETARY & ORS. Respondent(s)

(FOR ADMISSION and I.R.

IA No. 14519/2021 - APPLICATION FOR VACATION OF INTERIM ORDER
IA No. 114892/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 163725/2019 - EXEMPTION FROM FILING O.T.
IA No. 114893/2019 - EXEMPTION FROM FILING O.T.
IA No. 104024/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 21-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. S. Ravi Shankar, AOR

For Respondent(s) Mr. Sanjay R. Hegde, Sr. Advocate
 Mr. D.kumanan, AOR

Mr. K. L. Janjani, AOR
Mr. Pankaj Kumar Singh, Adv

Mr. V. Krishnamurthy, Sr. Adv./AAG
Dr. Joseph Aristotle S., AOR
Ms. Preeti Singh, Adv.
Ms. Nupur Sharma, Adv.
Mr. Sanjeev Kumar Mahara, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In the present case a temporary trustee of the temple is said

to have gifted the land in question to the Department of the Government. The validity of such gift was put in challenge by way of filing a writ petition, which petition was rejected by the High Court.

Mr. Sanjay Hegde, learned Senior Advocate appearing for the donee department, submits that said gift deed executed by the trustee would not come within the sweep of Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act XXII of 1959 ("the Act" for short] and there would be no embargo on execution of said gift and it has been so held in paragraph 6 of its judgment by the High Court.

Mr. V. Krishnamurthy learned Senior Advocate appearing for H.R.C. Department submits that not only Section 34 but Section 45 of the Act would also come into play.

Considering the fact that some construction had already come up on the land, it was thought, if the market value for the land could be made offered in favour of the temple, the interest of the temple could be satisfied. Accordingly, at the interim stage, certain orders were passed by the Court.

What has now been placed on record is the contemplated arrangement in terms of which property would be let out under a lease of three years in favour of the donee department.

Since the present matter raises questions of great significance, we request Mr. K.V. Viswanathan, learned Senior Advocate of this Court to assist the Court as Amicus Curiae. The Registry is directed to supply copies of the paper-book to Mr.

Viswanathan who may engage the services of the Advocate on Record of his choice.

We also call upon the Secretary of the Government of Tamil Nadu, Incharge of Endowments to file an appropriate affidavit and clarify whether properties belonging to a temple can be gifted away by the trustee(s) of the temple.

Mr. V. Krishnamurthy, learned Senior Advocate has assured the Court that appropriate intimation in this behalf shall be made to the concerned Secretary.

List for further consideration on 25.03.2022.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER