



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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

K. BALASUBRAMANI ETC. ... PETITIONER(S)

Versus

THE TAMIL NADU GOVERNMENT
REPRESENTED BY THE ADDITIONAL
CHIEF SECRETARY TO GOVERNMENT
AND OTHERS ETC. ... RESPONDENT(S)

WITH

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

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 ejection 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.

S. NO.	NAME	SHOP	STATUS BEFORE THIS HON'BLE COURT
1.	P. KANNAN S/D/W/Thru:- PARAMASIVAM	THANDAPANI NILAYAM WEST, SHOP NO.2	PETITIONER NO.27
2.	K. KUPPUSAMY S/D/W/Thru:- KARUPPANNAGOUNDER	VELAN VAN VIDUTHI, SHOP NO.1	PETITIONER NO.37
3.	A. BALAKRISHNAN S/D/W/Thru:- AZHAKUMARI	VELAN VAN VIDUTHI SHOP NO.2	PETITIONER NO.38

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4.	A. BALAKRISHNAN S/D/W/Thru:- AZHAKUMARI,	VELAN VAN VIDUTHI SHOP NO.3	PETITIONER NO.38
5.	R. MURUGANANTHAM S/D/W/Thru:- RAMASAMY	VELAN VAN VIDUTHI SHOP NO.6	PETITIONER NO.39
6.	R. MUTHUKUMAR S/D/W/Thru:- RAJIPILLAI	PALAYAM VINAYAGAR KOIL SHOP NO.1	PETITIONER NO.40
7.	S. LAKSHMANAN S/D/W/Thru:- SIVARAMA	PALAYAM VINAYAGAR KOIL SHOP NO.2	PETITIONER NO.41
8.	SUBBURAJ S/D/W/Thru:- PACHAMUTHU	PALAYAM VINAYAGAR KOIL SHOP NO.3	PETITIONER NO.42
9.	N. SHANMUGAM S/D/W/Thru:- NATARAJACHETIER	POONGA ROAD SHOP NO.2	PETITIONER NO.43
10.	P. ANGHULAKSHMI S/D/W/Thru:- SIVAPACKIAM	POONGA ROAD SHOP NO.2	PETITIONER NO.44
11.	V. MARAGATHAM S/D/W/Thru:- VAIRAVAN	POONGA ROAD SHOP NO.3	PETITIONER NO.45
12.	V. MARAGATHAM S/D/W/Thru:- VAIRAVAN	POONGA ROAD SHOP NO.4	PETITIONER NO.45
13.	R. SUBRAMANIAN S/D/W/Thru:- RAMASAMY	POONGA ROAD SHOP NO.5	PETITIONER NO.46
14.	G. THIRUGNANASAMBANDAM S/D/W/Thru:- GOVINDRAJ	MATTAN THAMBIRAAN KOVIL SHOP NO.3	PETITIONER NO.51
15.	G. THIRUGNANASAMBANDAM S/D/W/Thru:- GOVINDRAJ	MATTAN THAMBIRAAN KOVIL SHOP NO.4	PETITIONER NO.51
16.	G. THIRUGNANASAMBANDAM S/D/W/Thru:- GOVINDRAJ	MATTAN THAMBIRAAN KOVIL SHOP NO.5	PETITIONER NO.51
17.	S.R. VIJAYARAJAN S/D/W/Thru:- RASUPILLAI 2/121, VILPATTI, KODAIKANAL TALUK	PALAYAM VINAYAGAR KOVIL SHOP NO.4	PETITIONER NO.85
18.	P. KANNAN S/D/W/Thru:- PARAMASIVAM	THANDAPANI NILAYAM, SHOP NO.7	PETITIONER NO.27
19.	P. ANGHULAKSHMI S/D/W/Thru:- SIVAPACKIAM	SIRUKUDIL SHOP NO.5	PETITIONER 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 :-

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

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15.	PETITIONER NO.15	K. BALAMURUGAN S/D/W/Thru:- KALIMUTHU	KUDAMULAKKU SHOP NO. 34,
16.	PETITIONER NO.16	P. VENKATESAPANDIAN S/D/W/Thru:- PANNEERSELVAM	KUDAMULAKKU SHOP NO. 10 ,
17.	PETITIONER NO.17	PANDIYARAJAN S/D/W/Thru:- PANNEERSELVAM	KUDAMULAKKU SHOP NO. 9,
18.	PETITIONER NO.18	S. SENTHILKUMAR S/D/W/Thru:- SIVASANKARAN	KUDAMULAKKU SHOP NO. 5,
19.	PETITIONER NO.19	MANJULA S/D/W/Thru:- PERUMAL	KUDAMULAKKU SHOP NO. 23,
20.	PETITIONER NO.20	A. KRISHNAN S/D/W/Thru:- ARUNACHALAM	KUDAMULAKKU SHOP NO. 25,
21.	PETITIONER NO.21	K. GOPALSAMY S/D/W/Thru:- KRISHNASAMY	KUDAMULAKKU SHOP NO. 6 ,
22.	PETITIONER NO.22	R. SUNDARESAN S/D/W/Thru:- RENGASAMY	KUDAMULAKKU SHOP NO. 1,
23.	PETITIONER NO.23	NAMAGIRITHAYAR S/D/W/Thru:- V. NAGARAJ	KUDAMULAKKU SHOP NO. 30,
24.	PETITIONER NO.24	K. BAKTHAN S/D/W/Thru:- KUNJUKANNAN	DHANDAPANI NILAYAM SHOP NO. 6, ,
25.	PETITIONER NO.25	A. BALASUBRAMANIAN S/D/W/Thru:- ANGAMUTHU	DHANDAPANI NILAYAM SHOP NO. 5,
26.	PETITIONER NO.26	G. KANNAN S/D/W/Thru:- GANAPATHY	DHANDAPANI NILAYAM SHOP NO.4
27.	PETITIONER NO.28	S. MUNIAPPAN S/D/W/Thru:- SINGARAELU	DHANDAPANI NILAYAM WEST SHOP NO.12
28.	PETITIONER NO.29	SARASWATHY S/D/W/Thru:- SRISAILAM	DHANDAPANI NILAYAM SHOP NO.1
29.	PETITIONER NO.30	S. RAMACHANDRAN S/D/W/Thru:- SUBRAMANIYAIYYER	DHANDAPANI NILAYAM SHOP NO.2
30.	PETITIONER NO.31	S. USHA RANI S/D/W/Thru:- SAKTHIVEL	DHANDAPANI NILAYAM SHOP NO.3
31.	PETITIONER NO.32	R.D.K. THANGARAJ (R.T.K. THANGARAJ) S/D/W/Thru:- KANDASAMY	DHANDAPANI NILAYAM SHOP NO.10
32.	PETITIONER NO.34	V. BANUMATHI S/D/W/Thru:- VENKATHACHALAM	DHANDAPANI NILAYAM SHOP NO.8.
33.	PETITIONER NO.36	A. KARUNANIDHI S/D/W/Thru:- AMIRTHA	DHANDAPANI NILAYAM SHOP NO.11,
34.	PETITIONER NO.47	N. DHANSEKARAN S/D/W/Thru:- NATRAYAN	MANGAMMAL MANDAPAM SHOP

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			NO.1
35	PETITIONER NO.48	V. SHARADHA S/D/W/Thru:- VELMURUGAN	MANGAMMAL MANDAPAM SHOP NO.3
36	PETITIONER NO.49	A. NAGARAJAN S/D/W/Thru:- ANGUSAMY	MANGAMMAL MANDAPAM SHOP NO.4,5 AND 6
37.	PETITIONER NO.50	V. PUSHPAVALLI S/D/W/Thru:- VIJAYAKUMAR	MANGAMMAL MANDAPAM SHOP NO.7
38.	PETITIONER NO.52	C. KANNIAMMAL S/D/W/Thru:- CHINNAPPA GOUNDER	KAL MANDAPAM SHOP NO.1,
39.	PETITIONER NO.53	C. THANGAVEL S/D/W/Thru:- CHELLAPPA	KAL MANDAPAM SHOP NO.2
40.	PETITIONER NO.54	A. CHANDRAKALA S/D/W/Thru:- ANGUSAMY	SIRUKUDIL SHOP NO.2,
41	PETITIONER NO.55	N. GOPAL S/D/W/Thru:- NITHYANANDHAM	SIRUKUDIL SHOP NO.3 & 4
42.	PETITIONER NO.56	G. KULATHAIVELU S/D/W/Thru:- GURUNATHAN	SIRUKUDIL SHOP NO.6
43.	PETITIONER NO.57	D. KARTHIKEYAN S/D/W/Thru:- DHANDAPANI	OLD HEAD OFFICE SHOP NO.1 & 4 KUDAMULAKKU, SHOP NO.15 & 16
44.	PETITIONER NO.58	V. PERIYASAMY S/D/W/Thru:- VILANGADIAN	OLD HEAD OFFICE SHOP NO.2
45.	PETITIONER NO.59	P. MANIKANDAN S/D/W/Thru:- PALANISAMY	OLD HEAD OFFICE SHOP NO.3
46.	PETITIONER NO.69	G. GANESH S/D/W/Thru:- GOGULAKRISHNAN	KUDAMULAKKU, SHOP NO.28
47.	PETITIONER NO.72	C. LAKSHMIPATHYRAJU S/D/W/Thru:- CHELLAMUTHU	KUDAMULAKKU, SHOP NO.18 & 19
48.	PETITIONER NO.75	S. KARUPASAMY S/D/W/Thru:- SOMASUNDARAM	KUDAMULAKKU, SHOP NO.24 & 26
49.	PETITIONER NO.84	M. VELUMANI S/D/W/Thru:- MURUGAN	SIRUKUDIL SHOP NO.1
50.	RESPONDENT NO.6	J. IYYAPPAN S/D/W/THRU.GOPAL (RESPONDENT NO.6)	KUDAMULAKKU, SHOP NO.17
51.	RESPONDENT NO.5	V. SURESH BABU (RESPONDENT NO.5)	DHANDAPANI 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 31st 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.

.....J.
(J.K. MAHESHWARI)

.....J.
(SANJAY KAROL)

New Delhi;
February 23, 2024.