



W.P. Nos.21394/15-9806/19-8494/24

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

<b>Reserved on</b>	<b>Pronounced on</b>
<b>29.10.2024</b>	<b>08.11.2024</b>

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**W.P. NO.21394 OF 2015**  
**W.P. NO. 9806 OF 2019**  
**W.P. NO. 8494 OF 2024**  
**AND**  
**W.M.P. NO.10407 OF 2019**

Avvai Home Orphanage for Girls  
Rep. By its Honorary Secretary  
No.24/41, Besant Avenue  
Adyar, Chennai 600 020.

.. Petitioner in all WPs

**- Vs -**

1. The Executive Officer  
Arulmigu Arunachaleswarar Devasthanam  
Tiruvannamalai.
2. The Commissioner  
Hindu Religious & Charitable Endowments Dept.  
Nungambakkam, Chennai 600 034.
3. The Board of Trustees  
Rep. By its Chairperson  
Arulmigu Arunachaleswarar Devasthanam



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Tiruvannamalai.  
WPs

.. Respondents in all

W.P. No.21394 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 1<sup>st</sup> respondent culminating in his impugned communications bearing Na.Ka. No.316/2014/A3 dated 20.06.2015 and quash the same and direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to take all legal measures to implement the compromise arrived at and recorded in proceedings No.Na.Ka.1072/1998-V2 dated 18.6.2010 of the 1<sup>st</sup> respondent and accepted by the 2<sup>nd</sup> respondent vide letter dated 20.07.2010 between the petitioner and the 1<sup>st</sup> respondent and issue appropriate orders without any further delay.

W.P. No.9806 of 2019 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 1<sup>st</sup> respondent culminating in his impugned communications bearing Na.Ka. No.601-19/2018/A5 dated 28.02.2019 and quash the same and direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to take all legal measures to implement the compromise arrived at and recorded in proceedings No.Na.Ka.1072/1998-V2



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dated 18.6.2010 of the 1<sup>st</sup> respondent and accepted by the 2<sup>nd</sup> respondent vide letter dated 20.07.2010 between the petitioner and the 1<sup>st</sup> respondent and issue appropriate orders without any further delay.

W.P. No.8494 of 2024 filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus to consider the representation sent by the petitioner to the first respondent on 10.11.2022 followed by reminders sent on 24.02.2023 and 31.08.2023 without any further delay and issue appropriate orders.

For Petitioner : Mr. N.L.Rajah, SC, for  
M/s. E.Jayasankar

For Respondents : Mr. NRR. Arun Natarajan,  
Spl. GP (HR & CE) for R-2  
Mr. Wilson Topaz for  
M/s.A.S.Kailasam Associates for  
RR-1 & 3

### **COMMON ORDER**

The present petitions have been filed for a direction to the respondents to enforce the decisions taken in the letter dated 18.6.2010 and not to act contrary to the same and also for a further direction to the respondents to consider the



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representations of the petitioner given on various dates and to pass appropriate orders on the same.

2. It is the case of the petitioner that it is a charitable institution, which was formed in the year 1930 by the Late Dr.Muthulakshmi Reddy having its main aims and objectives to provide for shelter, protection and education to orphan girls as well as deserted women irrespective of caste, creed or social status. The sole objective of the petitioners is to provide empowerment and economic independence of the poor girls and women and train them so that they can lead a normal life with dignity and self respect.

3. It is the further case of the petitioner that towards achieving the said objective, the petitioner is running different institutions under different heads like Avvai Hime for Needy Children, Avvai Home for Pre-primary & Primary School, Avvai Homes TVR Higher Secondary School, Avvai Mid Day Meal Centre for children of pre-primary and Primary Section and TVR Girls Higher Secondary School. Thus the petitioner addresses the educational needs of the women folk in the underprivileged sections of the society.



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4. It is the further case of the petitioner that the petitioner is running the aforesaid institutions in the land belonging to the 3<sup>rd</sup> respondent, which is covered by an agreement entered into between the petitioner and the Trustees of the Devasthanam, as early as in the year 1936, initially for a period of 50 years, with regard to about 64 grounds of land with a condition that the petitioner is at its sole discretion to seek for extension of lease for a further period of 50 years. Accordingly, the petitioner renewed the lease in the year 1986 for a further period of 50 years by addressing a letter to the 1<sup>st</sup> respondent.

5. It is the further case of the petitioner that when the matter stood thus, the petitioner was shocked and surprised to know about the suits, viz., C.S. No.1418/1988, 621 and 622/2002 relating to the lands in the occupation of Avvai Illam and Avvai Primary School on the ground of enhancement of rent and eviction of the petitioners.

6. It is the further case of the petitioners that on 17.11.2009 a meeting was held at the office of the Hon'ble Minister for Hindu Religious & Charitable



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Endowment Board and, thereafter, by letter dated 18.6.2010, the 2<sup>nd</sup> respondent accepted the representations put forth by the petitioner except for waiver of arrears of rent. It is the further averment of the petitioner that the 2<sup>nd</sup> respondent kept silent on the waiver of rent in the proceedings dated 18.6.2010 as it was agreed in the said meeting that the school along with its assets and liabilities would be taken over by the 3<sup>rd</sup> respondent and, therefore, there arises no question of arrears of rent.

7. It is the further averment of the petitioner that an acceptance letter dated 20.07.2010 with regard to the conclusions arrived at in the meeting held on 18.6.2010 was sent by the petitioner in which it was agreed that the petitioner will run the Avvai Home Orphanage in their lands which was donated in the year 1996. It is the further averment of the petitioner that vide letter dated 23.4.2009, the petitioner requested the 2<sup>nd</sup> respondent to implement the terms agreed between the parties. When the matter stood thus, vide communication dated 30.8.2013, the 1<sup>st</sup> respondent demanded the petitioner to pay a sum of Rs.6,58,69,381/- towards the arrears of rent. A second communication dated 20.06.1015 was sent demanding payment of a sum of



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Rs.8,17,19,661/- towards arrears of rent. In spite of the decision taken in the meeting, which is borne out of letter dated 18.06.2010, the respondents having not followed the agreement in letter and spirit and had demanded a huge and exorbitant amount as arrears of lease rent without prior notice with the intention to terminate the lease deed unilaterally.

8. It is the further averment of the petitioner that challenging the aforesaid act, while W.P. No.21394/2015 was filed in which this Court had granted an order of interim stay, thereafter, once again another communication dated 28.2.2019 was sent by the 1<sup>st</sup> respondent demanding a sum of Rs.2,10,94,460/- as on 31.01.2019 and further in the said letter, the 1<sup>st</sup> respondent has spelt out its intention to not take over the school and other institutions. It is the further grievance of the petitioner that had the respondents abided by their proposal, the school would have been taken over along with assets and liabilities and the question of arrear of rent would not arise and, therefore, the impugned notice is bade in law as it violates the principles of promissory estopped. And legitimate expectation. It is the further averment of the petitioner that the rent demanded cannot be met out by the petitioner as it



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is running the school for underprivileged children without charging any fees from the students. Therefore, W.P. No.9806/2019 has been filed challenging the notice dated 31.01.2019 and further calling upon the respondents to abide by the decision taken in the letter dated 18.6.2010.

9. It is the further averment of the petitioner that when the matters were taken up by this Court on 2.4.2019, the interim stay was extended and the parties were directed to have a joint meeting to examining the viability and arrive at an appropriate solution to give effect to the decision already taken vide proceedings dated 18.6.2010. It is the further averment of the petitioner that a meeting was convened on 3.7.2019 in which it was accepted that the 1<sup>st</sup> respondent agreed to take over the school along with its assets and liabilities, which is evident from the letter dated 26.10.2022. As a consequence thereof, the petitioner sent representation dated 10.11.2022 to give to the said letter for take over of the schools, which were followed with reminders on 24.2.2023 and 31.08.2023, however, there was no response and, therefore, the present writ petition in W.P. No.8894/2024 has been filed seeking the relief supra.





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10. Learned senior counsel appearing for the petitioner submitted that as early as on 18.6.2010, compromise was reached between the petitioner and the 1<sup>st</sup> respondent and the consequential incident, which cannot be mulcted on the petitioner, cannot be the basis to terminate the lease between the petitioner and the 1<sup>st</sup> respondent without affording an opportunity to present their case, which is a clear infraction of principles of natural justice.

11. It is the further submission of the learned senior counsel that no prior notice was given to the petitioner before passing the impugned communications. Further, no action has been taken on the representations given by the petitioner. It is the further submission of the learned senior counsel that the rent has been fixed irrationally without taking into consideration that the petitioner has been promptly paying the annual rents fixed under the lease deeds, which is done only for the purpose of harassing the petitioner. Further, the fair rent has been fixed retrospectively without putting the petitioner on notice and further the applicable laws does not provide for fixation of rent retrospectively.



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**WEB COPY** 12. It is the further submission of the learned senior counsel that the fixation of rent has been done without following the Government Orders, which prescribe the manner in which the rent has to be fixed with regard to lands owned by the temples. It is the further submission of the learned senior counsel that though the respondents alleged that the lands are required for meeting the increasing demand, however, the petitioner had already surrendered an extent of 55200 Sq.ft. of lands to the respondents and the present act of the respondents is nothing but an act of harassing the petitioner.

13. It is the further submission of the learned senior counsel that the lands are being utilised for a noble cause of running a charitable institution which goes on to impart quality education to the depressed and orphaned class of children. However, without appreciating the aforesaid benevolent gesture of the petitioner in running the institutions without any profit motive, the notice issued by the respondents is nothing but an act of colourable exercise of power, which is mainly aimed at retrieving the lands from the petitioner without taking into consideration the purposes for which the lands are utilised and also without affording an opportunity of hearing to the petitioner.



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14. It is therefore the submission of the learned senior counsel that this Court, in the interests of the education of the children and also taking into consideration the charitable activities undertaken by the petitioner for which the lands are used, to safeguard the interests of either party by passing appropriate directions, which would not in any manner affect the future of the children and the persons living in the orphanage. Learned senior counsel, upon the directions of this Court and on the instructions from the petitioner, filed a memo before this Court on 29.10.2024, which is taken on record.

15. Learned Special Government Pleader appearing on behalf of the 2<sup>nd</sup> respondent submitted that the mishap that had occurred in the school had prompted the authorities to look into the matter, which showed that the building had not been maintained properly. It is the further submission of the learned Special Government Pleader that the rent, which has been fixed way back by in the lease deed is very negligible and considering the same and also taking into consideration the necessity for space in view of the increasing demand for lands, the rent has been arrived at by the respondents to be payable



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by the petitioner. It is the further submission of the learned Special Government Pleader that the respondents cannot be made to suffer and if at all the petitioner wants to promote the charitable activities, the respondents can at best accommodate the petitioner for some time and it cannot cause any loss to the deity, which is the owner of the property, on account of the petitioner and its activities.

16. It is the further submission of the learned Special Government Pleader that in the lands, which are covered by the lease deed, which is held by the petitioner, there are lots of encroachments by third parties, which is affecting the interest of the respondent/temple and unless the respondents retrieve the lands from the petitioner, they cannot go after the encroachers, who enjoy the benefit at the loss of the deity. Therefore, the action taken by the respondents leading to the consequential notice cannot be said to be arbitrary or unreasonable and, therefore, the same does not require any interference at the hands of this Court.



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**WEB COPY** 17. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

18. There is no quarrel with the fact that notices, which have been impugned herein, have been issued by the 1<sup>st</sup> respondent on the petitioner with regard to vacating and handing over possession of the lands, which have been leased out to the petitioner and also demanding the arrears of rent. It is also an admitted fact that earlier, meetings have taken place between the petitioner and the respondents resulting in the letter dated 18.6.2010, which is sought to be enforced by the petitioner. However, there occasioned certain instances, which are the outcome of the said acts, with which this Court is not inclined to go into, as the interests of either party as also the children who are studying in the educational institution and also the children and deserted women, who are staying in the orphanage are of utmost concern, considering the fact that the petitioner is a non-profit institution, which is being run for protecting and harnessing the depressed community children and women.



**WEB COPY** 19. There is no quarrel with the fact that the petitioner is running charitable institutions, with a view to imparting education to the children in the depressed class of society and also is running charitable institutions, which are taking care of orphans and deserted women, who are left with no economic independence. Education is one of the tool, which not only makes a human independent, but also provides him with the ammunition to run his life without depending upon others.

20. The need for education for children has been the vision of very many leaders in the Indian soil, including the vision of the former Chief Minister of Tamil Nadu, the Perunthalaivar Late Mr.Kamarajar, as fondly referred to by the people, who strived hard for providing education to children. The vision of the visionaries should not go in vain and towards that end, trying to achieve the said vision, through charitable activities, such as the one done by the petitioners should be welcomed with open hands.

21. However, at the same time, it should not be lost sight of that the deity cannot be robbed of its valuable share from the said property, as the rent paid is



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also utilised for very many benevolent activities by the 1<sup>st</sup> respondent. Equally, it should also not be lost sight of that education imparted to young children would definitely not be a detrimental act insofar as the deity is concerned, as the education to the young children would result in a better world tomorrow.

22. In this regard, the respondents also do not dispute the fact that the petitioner is running the charitable institutions and is not running any profit yielding institutions and that the lands, which are at the hands of the petitioner are being used only for a benevolent purpose. However, it is also the admitted stand of the petitioner that there have been encroachments on the lands belonging to the 1<sup>st</sup> respondent, which is at the hands of the petitioner by virtue of the lease deed entered in the year 1936. Therefore, to find out the factual position as it stands at the current point of time, this Court, at the instance of the learned counsel appearing on either side, thought it fit to cause an inspection of the orphanage so as to find out as to whether the Management of the petitioner can be taken over by the 1<sup>st</sup> respondent. Accordingly, vide orders dated 1.10.2024 and 4.10.2024, direction was issued to take measurement of the entire property, including the property transferred by the petitioner to the Hindu



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Religious and Charitable Endowments Department and the actual property that is at the hands of the petitioner as on date and the portion of land that has been encroached upon by encroachers and to file a report before this Court.

23. Pursuant to the directions issued by this Court, measurements have been taken by the 1<sup>st</sup> respondent with the help of the revenue officials and also in the presence of the parties to the *lis*. All the parties to the *lis* fairly submit that the said report is factually correct. A perusal of the said report reveals the following, which are extracted hereunder :-

*2. I humbly submit that the petitioner seems to be a registered society.*

*I state the following entites are recorded as tenant as per the DCB Record tenents under the templs :-*

1	<i>Avvai Illam Higher Secondary Canteen include Office</i>	<i>114850 sq.ft.</i>
2	<i>Dr.Muthulakshmi Reddy Long Term Lease</i>	<i>64800 sq.ft.</i>
3	<i>Avvai Home Teachers Training Institute</i>	<i>29679 sq.ft.</i>
4	<i>Avvai Illam Primary School</i>	<i>48614 sq.ft.</i>

24. A further perusal of the report reveals that Avvai Home Elementary School is occupying an extent of 48,888 sq.ft. of lands, which were given on long term lease and rent. Further in respect of the an extent of 75,428 sq.ft., the said





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lands, which were given on long term lease are not in the possession of the temple. An extent of 1,26,613 sq.ft. which was given on long term lease to the school, of the said extent, an extent of 95,732/- sq.ft. of lands are utilised by the school, while an extent of 30,881 sq.ft. has been encroached by third parties. The said encroachment is by Arulmigh Sri Angalaparameshwari Sametha Periyandavar Temple and three persons and the three persons had encroached the said temple land by putting concrete house.

25. It is further evident from the said report that eviction notice has been issued to the encroachers on 16.10.2024 u/s 78 of the HR & CE Act. It further transpires from the report that the temple, which has encroached on the lands of the 1<sup>st</sup> respondent, letter has been addressed to the Assistant Commissioner, HR & CE Department. The report further details that lands that have been encroached upon by various persons and the extent of lands that are under encroachment.

26. The report of the 1<sup>st</sup> respondent also reveals that the petitioner is ready to hand over the extent of 48,888 sq.ft. and 95,732 sq.ft. of lands, which



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are under its occupation as Avvai Elementary School and TVR Girls Higher Secondary School to the 1<sup>st</sup> respondent. Further, the 1<sup>st</sup> respondent has also specified that the petitioner is liable to pay a huge arrears of rent to the tune of Rs.28,03,00,061/- to the 1<sup>st</sup> respondent temple.

27. In fact, on this issue of payment of arrears of rent, learned Special Government Pleader appearing for the respondents vehemently submitted that the petitioner having enjoyed the property for such a long time, it is incumbent on their part to pay the arrears of rent as arrived at by the respondents on fair rent basis. Though such a stand has been taken, but it should not be lost sight of that when the lease deed was entered into between the petitioner and the Devasthanam, the lands were given by the Devasthanam for a paltry sum, only with a view to utilise the said lands for a charitable purpose and only on that basis, the lands were utilised for forming a school for the depressed class of persons and orphanage for children and oppressed women. This fact has not been disputed by the learned Special Government pleader appearing for the respondents. Therefore, it becomes imperative for this Court to find out as to what would be the best way out, which would be in the interest of either party.



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28. As aforesaid, to the report filed by the 1<sup>st</sup> respondent on the directions of this Court, the petitioner has filed a memo, wherein an undertaking has been recorded by the petitioner that it agrees to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the 3<sup>rd</sup> respondent towards full and final settlement of all the dues and claims made by the 3<sup>rd</sup> respondent. Further, an undertaking has been given that the extent of 48,888/- sq.ft. in Block 3, Town survey No.89, 90, 95/1, 96/1 and 97 in which Avvai Home Primary School is run and an extent of 95,732 sq.ft. in Block 5, Town Survey No.2/1 in which TVR Higher Secondary School for girls is run will be surrendered by the petitioner and handed over to the respondent on 1<sup>st</sup> June, 2026, i.e., at the end of the academic year 2025-2026, since the primary school is functioning.

29. It is further stated by the petitioner that the home of Dr.Muthulakshmi Reddy, which is situate at No.24/41, Besant Avenue Road, Adyar, which has been handed over earlier to the respondents will be renovated by the petitioner along with Cancer Institute (W.I.A.) at the cost of the petitioner. However, the building and the land around the building will be in possession of the 2<sup>nd</sup> and 3<sup>rd</sup>



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respondent and the petitioner undertakes to maintain the main memorial building and precincts which will be run as a centre for women empowerment.

30. It is further stated that the respondent must accept full responsibility of running the primary and secondary home schools, including financial responsibilities in toto and will not take any steps to close the schools and that the schools will be run by them at the same place with the same devotion and interest as had been done so far by the earlier administration which will benefit around 2000 children belonging to economically weaker section of the society.

31. It is the further stand of the petitioner that the respondent must withdraw the suits in O.S. No.6435/2023, O.S. No.6436/2023 , O.S. No.6437/2023 and O.S. No.6438/2023 pending on the file of the XV Addl. City Civil court, Chennai.

32. On the aforesaid memo, reply has been filed by the 1<sup>st</sup> respondent to the effect that the offer of Rs.20,00,000/- (Rupees Twenty Lakhs only) towards full settlement of the rent arrears is not acceptable, as the rent has been fixed as



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per Section 34(A) of the HR & CE Act and that the arrears of rent is to the tune of Rs.28,03,00,061/-.

33. Insofar as the other requests are concerned, the 1<sup>st</sup> respondent submits that if the Court directs, the temple administration will take over the TVR Girls Higher Secondary School, presently run by the management of Avvai Home from the academic year 2026-2027 as the temple administration has to get necessary permission to renovate the old buildings in which the Girls Higher Secondary School is functioning as the building is in a dilapidated condition and till then the school should be run by the management of the Home itself in the new building belonging to the Avvai Home.

34. It is further stated by the 1<sup>st</sup> respondent that the temple administration will take over the primary school from the academic year 2025-2026, i.e., from 01.06.2025 as the temple administration has to obtain necessary permission and till then the primary school should be run by the management of Avvai Home. Further, insofar as the lands, which are to be handed over by Avvai Home, necessary steps will be taken to lease out the vacant lands in accordance



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with law and a plan will be prepared for the development and generation of income from the land. Upon compliance of the above, including settling the arrears and handing over vacant possession, the pending suits will be withdrawn by the temple.

35. This Court perused both the memo filed by the petitioner and the reply submitted by the 1<sup>st</sup> respondent. Needless to add, the necessity of education for empowering the individuals and building the blocks of the future generation is in the hands of each and every citizen. The petitioner had been doing the same for a considerable length of time, which is not disputed and it is ready to hand over the mantle to the 1<sup>st</sup> respondent to carry on the charitable and benevolent act so that there is no depletion in the standard of education imparted to the children. Further, the 1<sup>st</sup> respondent has shown its inclination to take over the school from the petitioner during the period specified in the reply affidavit. However, the only stumbling block in the enforcement of the undertaking is with regard to the arrears of rent to be paid by the petitioner to the 1<sup>st</sup> respondent.



**WEB COPY** 36. This Court has already delved into the need for imparting quality education and the role the education plays in moulding the character and conduct of the future generation. It is equally the duty of the respondents to see to it that the same is maintained. True it is that a sum of about Rs.28 Crores is due and payable towards arrears of rent, as has been quantified by the 1<sup>st</sup> respondent u/s 34 (A) of the HR & CE Act. However, it should not be lost sight of that the lands, which have been vested with the deity by various persons of yesteryears are for the purpose of doing service to the deity and the deity, in turn bestows upon the human race its benevolence by providing all the natural resources, including land and shelter so that the human folk could thrive on the same. In such a scenario, the respondents, being the custodians of the property belonging to the deity, are also duty bound to act in accordance with the wishes of the deity and such being the case, a duty is cast on the respondents to fully appreciate the charitable acts that have been performed by the petitioner and should not strictly keep harping on the provisions of the HR & CE Act, more specifically Section 34 (A) for the purpose of quantifying the rent. When the benevolent act of the petitioner has resulted in building the future of the students, who are the pillars of the next generation, it is the duty of the



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respondents to appreciate the same and act against them in a benevolent manner.

37. In such view of the matter and keeping in mind the interests of the parties, this Court is of the view that the slew of directions, which are to be issued, would not only be guided by monetary considerations to the party, but would be more on developing the future generation and safeguarding the present generation so that the human race thrives on such charitable acts.

38. Accordingly, keeping in mind all the aforesaid facets of the case, this Court is inclined to dispose of the present writ petitions with the following directions :-

- i) *This Court directs the petitioner to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) towards the full and final settlement of all claims, including the arrears of rent payable to the 1<sup>st</sup> respondent for the lands, which were under lease and*





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- used by the petitioner within a period of six weeks from the date of receipt of a copy of this order;*
- ii) *This Court further directs the petitioner to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) every month as rent for the land to the 1<sup>st</sup> respondent from 1.11.2024 till 31.5.2025;*
- iii) *The extent of 48,888/- sq.ft. in Block 3, Town survey No.89, 90, 95/1, 96/1 and 97 in which Avvai Home Primary School is run and an extent of 95,732 sq.ft. in Block 5, Town Survey No.2/1 in which TVR Higher Secondary School for girls is run and is under the occupation of the petitioner shall be handed over to the respondent on 1<sup>st</sup> June, 2025, i.e., before the start of the academic year 2025-2026.*
- iv) *The petitioner is further directed to accommodate all the students of the schools run by the petitioner in the new building occupied by Avvai Homes and the schools*



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- shall be run in the said new building belonging to Avvai Home.*
- v) *The petitioner along with Cancer Institute (W.I.A.), Adyar, is permitted to renovate the premises of Dr.Muthulakshmi Reddy, which is situate at No.24/41, Besant Avenue Road, Adyar, which belongs to the temple and which has already been handed over earlier to the respondents and maintain the same from out of the funds provided by the Cancer Institute (W.I.A.).*
- vi) *On the lands aforesaid being handed over by the petitioner to the 1<sup>st</sup> respondent, the 1<sup>st</sup> respondent is directed to take necessary steps in accordance with the provisions of Section 66 of the HR & CE Act and utilise the aforesaid lands specifically for religious and educational purposes.*
- vii) *On compliance of the acts as aforesaid by the petitioner by paying the amount of Rs.25,00,000/-*



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*(Rupees Twenty Five Lakhs only) towards the arrears of rent and also handing over the lands to the 1<sup>st</sup> respondent, the 1<sup>st</sup> respondent shall withdraw all the suits in O.S. No.6435/2023, O.S. No.6436/2023 , O.S. No.6437/2023 and O.S. No.6438/2023 pending on the file of the XV Addl. City Civil court, Chennai*

- viii) *The 1<sup>st</sup> respondent is further directed to take action as contemplated u/s 78 of the HR & CE Act for removal of encroachments and if the 1<sup>st</sup> respondent deems it necessary in the interest of generating income, the 1<sup>st</sup> respondent may regularise the said occupation of the encroachers by leasing out the said lands to such of those persons by fixing fair rent by entering into lease with the aforesaid persons.*
- ix) *Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.*



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To

1. The Executive Officer  
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2. The Commissioner  
Hindu Religious & Charitable Endowments Dept.  
Nungambakkam, Chennai 600 034.
3. The Chairperson  
Board of Trustees  
Arulmigu Arunachaleswarar Devasthanam  
Tiruvannamalai.



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W.P. Nos.21394/15-9806/19-8494/24

**M.DHANDAPANI, J.**

**GLN**

**PRE-DELIVERY ORDER IN  
W.P. NO.21394 OF 2015  
W.P. NO. 9806 OF 2019  
W.P. NO. 8494 OF 2024**



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W.P. Nos.21394/15-9806/19-8494/24

**Pronounced on  
08.11.2024**