



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13/1/2015

C O R A M

WEB COPY

THE HONOURABLE MS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.NPD(MD) No.605 of 2014

A/M.Varadaraja Perumal Temple
rep. by its Hereditary Trustees
Marudhanallur
Thanjavur District

1. R. Sundarraman
2. M. Venkataraman Iyer
3. M. Ganesa Iyer
4. S.Sadasivam
S.Sankaranarayanan (died)
5. N. Narasimman
6. N. Nagarajan ... Petitioners

Vs

1. T.S.G.Manickam
2. Mr.R.Guhavenkateswaran
3. Saravanakumar. ... Respondents

Petition filed under Article 227 of the Constitution of India praying to set aside the order and decreetal order passed in I.A.No.100 of 3023 in Trust O.P.No.17 of 2006 dated 22/1/2014 on the file of the Principal District Judge, Thanjavur.

For petitioner ... Mr.R.Nandakumar

For respondents ... Mr.V.Pasumpon
for R.2.
No appearance
for R.R.1 and 3.

Orders reserved on 5/1/2015
Order Pronouncing on 13/01/2015

O R D E R

This revision petitioner is a temple represented by its hereditary trustees. The lands belonging to the temple are in possession of various tenants, who have been cultivating the same and the rents received from them are very meager and the same is inadequate for the maintenance of the temple. Therefore, the trustees had thought fit to sell the property belonging to the Trust.



trustees, seeking permission to sell the property, so that the sale proceeds can be utilized for the purpose of up keep and maintenance of the temple.

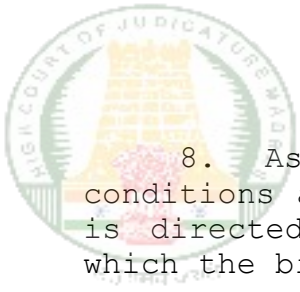
3. I.A.No.98 of 2009 was filed for appointment of the Commissioner to sell the property. A public auction was held and the third respondent herein was the successful bidder. The third respondent was the successful bidder who had taken the property in the auction for a sum of Rs.76 lakhs and deposited the entire amount.

4. The first respondent, who is the unsuccessful bidder filed I.A.No.100 of 2012 for re-auction of the property contending that the Commissioner had not followed the rules for the conduct of an auction. The first respondent also had filed I.A.No.101 of 2012 to set aside the said auction. Similarly, one P.Ramamoorthy had also filed I.A.No.104 of 2012 for re-auction. The third respondent, who was the successful bidder also had filed I.A.No.127 of 2012 for the confirmation of sale. Two other applications viz., I.A.No.64 of 2013 has been filed by P.Ramamoorthy to amend the cause details in I.A.No.104 of 2012 and I.A.No.110 of 2013 has been filed by T.S.G.Manickam to reopen the case in I.A.No.98 of 2009.

5. All the above, the said Interlocutory Applications were taken up for hearing together and a common order was passed on 22/1/2014. In the said order, the auction dated 28/10/2012 was set aside and re-auction was directed to be conducted publicly in the building of the District Legal Services, Thanjavur at the time to be fixed by the Court on the basis of an application by the Secretary of the Trust. Aggrieved by the same, the above revision is filed by the temple.

6. The temple which has got no income, but has to maintain the temple and to carry on the day-to-day affairs of the same is in dire need of money. Though the sanction was granted by the Court for the sale of the property, the same was stalled by the people with vested interest and therefore, there is no income for the temple as on date. However, the contention of the applicants in I.A were all that the procedure prescribed for an auction have not been followed and that they were not informed about the rules to be followed before the auction. In the impugned order, the Principal District Judge, Thanjavur had set out the conditions to be followed for the conduct of the auction. The respondent Nos.1 and 3, who were the unsuccessful and successful bidders though served with the notice had not appeared before this Court. The Commissioner, who conducted the auction alone appeared through counsel.

7. The contention of the counsel for the temple/petitioner was also that the temple is in need of money for which the property was sought to be sold. However, the entire exercise turned futile because of the litigation. The counsel has got no objection for the conduct of the re-auction of the temple property following the conditions prescribed by the Principal District Judge, Thanjavur. However, it is submitted that even in the year 2012, the property fetched a sum of Rs.76 lakhs. Now, in the passage of time, the price would have got escalated. Therefore, the learned counsel requested that the upset price to be fixed should be from Rs.76 lakhs so that the purpose of the sale would be served as the property may fetch a better sale consideration.



8. As the request is bona fide and reasonable, in addition to the conditions already prescribed by the learned Principal District Judge, it is directed that the upset price should be fixed at Rs.76 lakhs from which the bid has to start.

9. With the above observation and direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Per Admn)

/True copy/

Sub Assistant Registrar

To

The Principal District Judge, Thanjavur.

+1cc to MR.V.PASUMPON, ADVOCATE IN SR : 1787

+1cc to MR.R.NANDAKUMAR, ADVOCATE IN SR : 2078

Mvs

SR : 29.01.2015 : 3p/4c

order made in
C.R.P.NPD(MD) No.605 of 2014
13/1/2015