

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.07.2016
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26389 of 2016
And
W.M.P.Nos.22621 and 22622 of 2016

A.Sadasivam

... Petitioner

Vs.

- 1 The Joint Commissioner
Tamil Nadu Hindu Religious and Charitable Endowments
Coimbatore.
- 2 The Assistant Commissioner
Tamil Nadu Hindu Religious and Charitable Endowments
Coimbatore.
- 3 The Executive Officer
Arulmigu Kalayana Parameswar Swamy Koil Thirukoil
Nellithurai, Mettupalayam,
Coimbatore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to Tender Notification issued by the 3rd respondent dated 19.07.2016 in respect of the property situated in Survey No.60 measuring 1.20 Hectares (Wet Land) at Nellithurai, Mettupalayam Division, Coimbatore District fixing the Auction date as 28.7.2016 and quash the same and further direct the respondents to extend the Lease Period for a further period of two months, to the petitioner enabling the petitioner to complete the harvest.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mrs.Rita Chandrasekaran

Special Government Pleader (HR & CE)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. Though the petitioner came forward to file this writ petition seeking to quash the tender cum auction notification dated 19.07.2016, the fact remains that he was the lessee in pursuant to the auction that took place on 19.07.2013 for a period of three years between 29.07.2013 and 19.07.2016 and as a matter of right, he is not entitled to continue as a lessee indefinitely.

3. It is the submission of the learned counsel appearing for the petitioner that since there are standing crops and they are yet to be harvested, the petitioner may be granted two months time to harvest the same and thereafter, vacate and deliver the vacant and peaceful possession of the land in question.

4. Per contra, Mrs. Rita Chandrasekaran, learned Special Government Pleader (HR & CE) who accepts notice on behalf of the respondents 1 and 2 would submit that admittedly, the petitioner knew very well that the lease is going to expire on 19.07.2016 and having kept quiet for nearly 15 days, he has approached this Court at the very last moment for the reason, the date of tender has been fixed on 28.07.2016 and therefore, the petitioner is not entitled to get any relief.

5. This Court has considered the rival submissions.

6. The lease period is between 29.07.2013 and 19.07.2016 and therefore, the petitioner knew very well in advance, as to the date on which lease is going to expire and therefore, ought to have taken necessary steps to harvest the crops. But, according to him, on account of vagaries of weather, he could not do so.

7. Be that as it may, in the tender cum auction notification dated 19.07.2016, the date of auction is fixed on 28.07.2016 and admittedly, the petitioner has approached this Court at a very last moment. Therefore, this Court is of the considered view that it cannot be quashed in the absence of any valid or tenable reasons. However, taking into consideration, the plea of the learned counsel appearing for the petitioner that he may need some time to harvest the crops, the petitioner is granted time till 16.08.2016 to harvest the crops/ yields and vacate and deliver the vacant and peaceful possession of the land in question by 18.08.2016, to the third respondent and in the interregnum, shall not do any act which cause damage to the property in question and also shall not create any third party rights.

8. The writ petition is dismissed subject to above observations. No costs. Consequently, the connected

miscellaneous petitions are also closed. Call on 22.08.2016
'for reporting compliance.'

pri

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

- 1 The Joint Commissioner
Tamil Nadu Hindu Religious and Charitable Endowments
Coimbatore.
- 2 The Assistant Commissioner
Tamil Nadu Hindu Religious and Charitable Endowments
Coimbatore.
3. The Executive Officer
Arulmigu Kalayana Parameswar Swamy Koil Thirukoil
Nellithurai, Mettupalayam,
Coimbatore.

+ 1 cc to Mr.B.Balavijayan, Advocate Sr 42585

KR/3/8/16

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