



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2016

CORAM

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.(MD)No.4052 of 2016

and

W.M.P.(MD).Nos.3638 and 3639 of 2016

U.Rakkammal

... Petitioner

Vs.

1. The Deputy Commissioner,
Hindu Religious and Charitable Endowment Board,
(Administration),
K.K.Nagar,
Madurai.

2. The Assistant Commissioner/Executive Officer,
Hindu Religious and Charitable Endowment Board,
Arulmigu Veeraragava Perumal Temple,
Tallakulam, Madurai. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the Public Auction Notice made in Na.Ka.No.704/2013/A4/dated 18.02.2016 on the file of the second respondent and quash the same.

For Petitioner	: Mr.V.Kannan
For R1	: Mr.S.Kumar
	Additional Govt. Pleader
For R2	: Mr.S.Manohar

O R D E R

The Writ Petition has been filed for a Writ of Certiorari to call for the records relating to the Public Auction Notice made in Na.Ka.No.704/2013/A4/dated 18.02.2016 on the file of the second respondent and quash the same.

<https://hcservices.courts.tn.in/hcservices/> a case where this Court has to pass order with stitches and awarding exemplary cost. Here is the case where the petitioner has come to Court with unclean hands. The petitioner



was a cultivating tenant in the temple. Earlier, she filed a writ petition in the year 2008. In W.P.(MD).No.1461 of 2008, this Honourable Court has ordered as follows:

"6. Considering the fact that the petitioner is said to have put up construction, the third respondent is hereby directed to consider the representation of the petitioner dated 09.01.2008 on merits and in accordance with law and dispose of the same within a period of four weeks from the date of receipt of a copy of this order."

3. Thereafter, the temple filed P.T.No.169 of 2008 before the Revenue Court for taking possession of the property and eviction was ordered. Thereafter, they filed E.P.No.15 of 2012. In that E.P., the delivery has been ordered and delivery has been taken through Court on 21.04.2013. The portion which has been constructed by them have also been demolished on the same day. Thereafter, her son filed a suit in O.S.No.92 of 2013 on the file of District Munsif Court, Maduri for permanent injunction alleging that he was in possession. That suit has been dismissed on 19.08.2014 and he filed an application in I.A.No.559 of 2014 to restore the suit and the same is pending. Suppressing all these facts, when the temple has called for public auction to bring the property, now she filed this writ petition alleging in the affidavit that she is till date in possession of the said property and if she is evicted forcefully, her day-today activities will be affected. She also would contend that she is paying the lease amount till 2011 and in the year 2012, they refused to accept the same. Without disclosing all other details including the earlier writ petition filed before this Honourable Court in W.P.(MD). No.1461 of 2008, the petitioner has come forward with this writ petition and the same cannot be encouraged. This is a fit case where the writ petition has to be dismissed with heavy cost.

4. In the result, the writ petition is dismissed with an exemplary cost of Rs.25,000/-. If the petitioner is not paying the cost as ordered by this Court within a period of one week from the date of receipt of a copy of this order, it is open to the Government to take action against the petitioner under the Land Revenue Act for recovery of the said amount. Consequently, the connected Miscellaneous Petition closed.

Sd/-

Assistant Registrar (Co.Dept)

/True Copy/

Sub Assistant Registrar



1. The Deputy Commissioner,
Hindu Religious and Charitable Endowment Board,
(Administration),
K.K.Nagar,
Madurai.

2. The Assistant Commissioner/Executive Officer,
Hindu Religious and Charitable Endowment Board,
Arulmigu Veeraragava Perumal Temple,
Tallakulam, Madurai.

Copy to : The District Collector,
Madurai District, Collectrate, Madurai

+1CC to Spl.Government Pleader Sr.No.11379
+1CC to Mr.V.Kannan Advocate Sr.No.11447
+1CC to Mr.S.Manohar Advocate Sr.No.11496

GJM/SKS/RR/18.3.16-3p-7C

W.P. (MD) No.4052 of 2016
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