



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2017

CORAM :

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THE HONOURABLE MR.JUSTICE K. RAVICHANDRA BAABU

W.P.(MD)No.176 of 2017

and

W.M.P(MD)Nos.136 and 137 of 2017

M. Ramakrishnan

... Petitioner

vs.

1) The Executive Officer,
Arulmigu Koppudaya Nayagi Amman Temple,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

2) The Fit Person/ Assistant Commissioner,
Arulmigu Koppudaya Nayagi Amman Temple,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

3) H. Harikrishnan,
S/o. Hariramar,
411/505, TEL Church Compound,
Peraliyoor Road,
Usilampatti,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice of the 1st respondent dated 04.01.2017 and quash the same as illegal and to direct the 1st respondent to conduct the auction for collecting money in the weekly market by issuing a fresh notice two weeks prior to the auction date.

For Petitioner : Mr.G. Mathavan

For Respondents : Mr.V.R. Shanmuganathan
(R1 & R2) Special Government Pleader

ORDER

The petitioner is aggrieved against the auction notice dated 04.01.2017 by contending that the impugned auction is sought to be conducted without giving 15 clear days of time between the notification and the date of auction.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

3. I have perused the materials placed before this Court.

4. The notice impugned in this writ petition, no doubt was issued on 04.01.2017. But a perusal of the said notice would show that it is only a corrigendum issued to the earlier notice dated 22.12.2016 published on 27.12.2016, that too, in pursuance to the directions issued by the Division Bench of this Court made in W.A. (MD) Nos.1563 and 1564 of 2016 dated 01.12.2016.

5. The learned Special Government Pleader, therefore, pointed out that the notice impugned in this writ petition is not violating any norms, more particularly, when the same was issued in furtherance of the order passed by the Division Bench as stated supra.

6. The learned counsel for the petitioner submitted that he was not given sufficient time for making ready of the earnest money deposit amounting Rs.45 lakhs, because of the impugned notice issued on 04.01.2017 fixing the auction on 06.01.2017.

7. I do not think that the petitioner is justified in his contention, especially, when the impugned proceeding itself is not the first notification as discussed supra and on the other hand, it is a corrigendum issued to the earlier notice dated 22.12.2016. It is not the case of the petitioner that he is not aware of the earlier proceedings and the notification. Therefore, when he is fully aware of the fact, nothing prevented him from preparing himself financially for taking part in the present auction by effectively making the availability of Rs.45 lakhs for depositing the same while taking part in the auction. Without doing so, rushing before this Court, at the 11th hour and filing this writ petition to stall the auction cannot be entertained. I find that such action of the petitioner is nothing but an action without any bonafide. Accordingly, the writ petition fails and the same is dismissed. If the petitioner is satisfying the requirement of the



notification, it is open for him to take part in the auction. No costs. Consequently connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

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Sub Assistant Registrar

To

1)The Executive Officer,
Arulmigu Koppudaya Nayagi Amman Temple,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

2) The Fit Person/ Assistant Commissioner,
Arulmigu Koppudaya Nayagi Amman Temple,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

RR

CSL/PM-AMI/25.01.2017 : 2P/3C

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and

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05.01.2017