



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) Nos.6159 and 7408 of 2017
and W.M.P.(MD) No.4847 of 2017 in W.P.(MD) No.6159 of 2017

W.P. (MD) No.6159 of 2017:

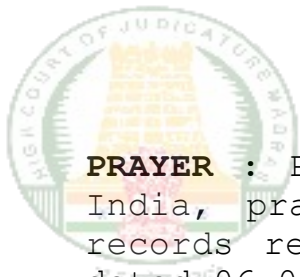
Arulmigu Sanjeevi Rayar Thirukovil,
Pidampatti Village,
Pudhukottai District,
rep. through the Executive Hereditary Trustee,
S.Varadharajan (M/61),
S/o.No.Sanjeevi Naidu,
Pidampatti Village,
Kulathur Taluk,
Pudhukottai District.

... Petitioner

-vs-

- 1.The District Collector,
Pudhukottai District,
Pudhukottai.
- 2.The Revenue Divisional Officer,
Iluppur,
Pudhukottai District.
- 3.The Tashildar,
Kulathur Taluk,
Keeranur (Post),
Pudhukottai District.
- 4.Block Development Officer (Panchayat),
Union Office,
Viralimalalai.
Pudhukottai District.
- 5.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungampakkam,
Chennai - 34.
- 6.Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Arulmigu Uthamarkovil Valagam,
Vijaya Vittala Temple, Trichy Circle,
Thiruchirappalli - 621 216.

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the records relating to the impugned order in Na.Ka.No.5p1/1336/2013 dated 06.03.2017, passed by the 4th respondent and quash the same.

For Petitioner : Mr.S.Devasena

For Respondents : Mr.M.Murugan
1 to 3, 5 & 6 Government Advocate

For 4th Respondent: No appearance

W.P. (MD) No.7408 of 2017:

M.Poosai

... Petitioner

-vs-

- 1.The State of Tamil Nadu Rep. by its,
The Secretary,
Revenue Department,
Secretariat, Fort. St. George,
Chennai.
- 2.The Secretary,
Hindu Religious and Charitable Endowment Department,
State of Tamil Nadu, Secretariat,
Fort St. George,
Chennai.
- 3.The District Collector,
Office of the District Collector,
Pudhukottai District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Pudhukottai Region,
Pudhukottai District.
- 5.The Tahsildar,
Office of the Tahsildar,
Kulathur Taluk,
Pudhukottai District.

(..)

(**)

- 8.Arulmigu Sanjeevi Rayar Thirukovil,
Pidampatti Village,
Pudhukottai District,
rep. through the Executive Hereditary Trustee,
S.Varadharajan (M/61)
(R6 and R7 are deleted vide Court order dated
21.04.2017 in W.P.(MD) No.7408 of 2017)

... Respondents

30, 33,
Bridgewater

For Petitioner : Mr.S.Malaikani
For Respondents : Mr.T.R.Janarthanan
1 to 5 Additional Government Pleader
For 8th Respondent: Mr.S.Devasena

COMMON ORDER

(Order of the Court by M.M.SUNDRESH, J.,)

The person who was a participant in the auction conducted for cutting the trees standing in the water body is the petitioner in W.P.(MD) No.7408 of 2017 and he seeks a direction to the respondents 1 and 2 therein to conduct a detailed enquiry regarding the irregularities in conducting the auction for cutting and selling Karuvelam Trees and to take action against the erred officials and to recover the money based on the market value of the trees. W.P.(MD) No.6159 of 2017 has been filed by the Executive Hereditary Trustee, challenging the order of the 4th respondent therein dated 06.03.2017, by which permission to cut the trees was not granted.

2. This Court heard the submissions of the learned counsels on both sides and perused the materials available on record.

3. On fact, it is seen that the auction was conducted by the H.R. & C.E. department. There was a successful bidder. Auction was confirmed in his favour. Trees have been cut. The auction amount has been deposited with the H.R. & C.E. department. In the interregnum, an order was passed by the Tahsildar, Kulathur Taluk dated 29.02.2016, that the lakes for which auction was conducted to cut the trees actually belongs to the Revenue Department and not to H.R. & C.E. Department. Therefore, the only issue to be considered is with respect to the amount deposited with the H.R. & C.E. Department.

4. We do not want to conduct any enquiry regarding the dispute between the H.R. & C.E. Department and Revenue Department, the two units of the Government. It is for them to decide as to who use the amount deposited with the H.R. & C.E. Department.

5. In such view of the matter, we do not find any Public Services exist in those services provided in this matter. Hence, W.P.(MD) No.7408 of 2017 is dismissed. In view of the subsequent development referred to above, W.P.(MD) No.6159 of 2017 is also dismissed. No costs.



Consequently, connected W.M.P.(MD) No.4847 of 2017 in W.P.(MD) No.6159 of 2017 is also dismissed.

Sd/-

Assistant Registrar(crl side)

WEB COPY

/Truecopy/

Sub Assistant Registrar

To:

- 1.The Secretary,
Revenue Department,
State of Tamil Nadu,
Secretariat, Fort. St. George, Chennai.
- 2.The Secretary,
Hindu Religious and Charitable Endowment Department,
State of Tamil Nadu, Secretariat,
Fort St. George, Chennai.
- 3.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai, Nungampakkam, Chennai - 34.
- 4.The District Collector,
Office of the District Collector, Pudhukottai District.
- 5.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Pudhukottai Region, Pudhukottai District.
- 6.The Revenue Divisional Officer,
Iluppur, Pudhukottai District.
- 7.The Tahsildar,
Office of the Tahsildar, Kulathur Taluk, Pudhukottai District.
- 8.Block Development Officer (Panchayat),
Union Office, Viralimalai. Pudhukottai District.

+2cc to M/S.DEVASENA, Advocate SR.Nos.70532&70533

+1cc to Special Government Pleader, SR.Nos.71304&71331

sj

MAS/KK/SAR1:21.08.2017:4P-12C

W.P.(MD) Nos.6159 and 7408 of 2017
and W.M.P.(MD) No.4847 of 2017 in W.P.(MD) No.6159 of 2017