



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

Writ Petition (MD) No.2761 of 2013

V.Ramachandran

... Petitioner

Vs.

1.The Joint Commissioner,
Executive Officer, HR & CE,Department,
(The incorporated and unincorporated
Devaswoms), Suchindrum,
Kanyakumari District.

2.The Manager/Srikaraiam,
Krishnankovil, Vadasery,
Nagercoil.

3.The Commissioner,
HR & CE, Department Kanyakumari District
(R-3 impleaded suo motu
as per order dated 10.03.2017)

.... Respondents

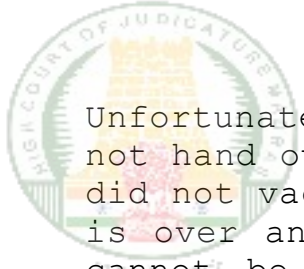
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to forthwith hand over the property in Devaswoms Survey No.1605 measuring 0.01/2 cent with building known as Vaalipatarai as per the terms of auction held on 20.04.2012 by considering the petitioner's representation dated 12.09.2012.

For Petitioner	: Mr.M.P.Senthil for Mr.G.Venugopal
For Respondents 1&2	: Mr.K.Sathiya Singh
For 3 rd Respondent	: Mr.S.Satheeshkumar, Additional Government Pleader.

ORDER

The Commissioner, HR & CE Department, Kanyakumari District is *suo motu* impleaded as a party respondent in this writ petition. Mr.S.Satheeshkumar, learned Additional Government Pleader takes notice for the third respondent.

2.It is an admitted case that the petitioner had participated in the auction held for lease of half cent of a building belonging to the second respondent temple. The petitioner has also paid a sum of Rs.5,000/- towards deposit and a sum of Rs.7860/- towards one year lease amount.



Unfortunately for the petitioner, the second respondent temple did not hand over possession of the property, since the earlier lessee did not vacate. Now the period for which the auction was conducted is over and as such, the prayer sought for in this writ petition cannot be granted. However, learned counsel for the petitioner would pray that the respondents may be directed to, at least, return the amount of Rs.12,860/- that has been paid by the petitioner.

3. There is no justification on the part of the respondents in retaining the said amount collected from the petitioner. Hence, there shall be a direction to the respondents to refund the sum of Rs.12,860/- collected from the petitioner for the purpose of the above auction within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to forward a copy of this order along with the receipts for the payment of amount which has already been paid by him to the respondents.

4. The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
HR & CE Department, Kanyakumari District.

2. The Joint Commissioner,
Executive Officer, HR & CE, Department,
(The incorporated and unincorporated
Devaswoms), Suchindrum,
Kanyakumari District.

+1 cc to Mr.M.P.Senthil , Advocate in SR.No. 14293

+1 cc to Mr.K.Sathiya Singh , Advocate in SR.No. 14300

sms

AE/RR/SAR3/06.04.2017/2P/5C

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