

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.09.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.20577 and 11025 of 2018 and
W.M.P.Nos.24185, 24186, 12932 and 12933 of 2018

T.Thangaraj ... Petitioner in both W.Ps

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment
Department,
Nungambakkam, Chennai 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Vellore District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Vellore District.

4.The Executive Officer,
Arulmighu Achudanandaswamy Madalayam,
Ranipettai, Walajah Taluk,
Vellore District. ... Respondents in both W.Ps

PRAYER in W.P.No.20577 of 2018 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from interfering in the petitioner's peaceful possession and enjoyment of the land in Survey No.458/3, to an extent of 3550 Sq.ft at Vannivedu Village, Walajah Taluk, Vellore District.

PRAYER in W.P.No.11025 of 2018 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from interfering in the petitioner's peaceful possession and enjoyment of the land in Survey No.458/3, to an extent of 3550 Sq.ft at Vannivedu Village, Walajah Taluk, Vellore District, till the public auction will be conducted as per the orders of the 1st respondent in order in R.P.No.230 of 2016/D2 dated 26.12.2016.

For Petitioner : Mr.R.Chandrasekaran
For Respondents : Mr.M.Maharaja,
Special Government Pleader for R1 to R3
: Mr.R.Karthikeyan for R4

C O M M O N O R D E R

The petitioner has come up with these writ petitions seeking a direction to forbear the respondents from interfering in the petitioner's peaceful possession and enjoyment of the land in Survey No.458/3, to an extent of 3550 Sq.ft at Vannivedu Village, Walajah Taluk, Vellore District, till the

public auction will be conducted as per the orders of the 1st respondent in order in R.P.No.230 of 2016/D2 dated 26.12.2016.

2. When the matter is taken up for consideration, the learned counsel for the petitioner proposes the prohibitory order which is sought by the petitioner herein, cannot be granted, since the land situated in Survey No.458/3, to an extent of 3550 Sq.ft at Vannivedu Village, Walajah Taluk, Vellore District, is absolutely belonging to the Temple.

3. At this juncture, the learned counsel for the petitioner confines his prayer to an extent that the petitioner may be directed to submit a fresh representation before the respondents and the same shall be considered and appropriate orders be passed by the respondents, on merits. For which, the learned Special Government Pleader appearing for the respondents has no serious objections.

4. Under such circumstances, it is open to the petitioner to give proper representation or to participate in the public auction, if at all the respondent Temple authorities are intended to auction the said property. The petitioner shall choose any one of the option. If the petitioner choose to give representation to the respondents, the same shall be considered on merits after affording due opportunity of personal hearing to the petitioner as well as any of the interested parties. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. Alternatively, it is for the petitioner to participate in the auction, if at all proposed by the respondent authorities as and when indicated.

R.MAHADEVAN, J.

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5. Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petition are closed.

03.09.2018

Index: Yes/ No

Internet: Yes/No

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