

In the High Court of Judicature at Madras

Dated : 09.05.2018

Coram :

The Honourable MR.JUSTIC. S.M.SUBRAMANIAM

W.P. No.12039 of 2018  
and W.M.P.No.14043 of 2018

P.Velusamy

...Petitioner

Vs

1. The Commissioner  
Tamil Nadu Hindu Religious Charitable  
Endowment Department,  
Uttamar Gandhi Road,  
Nungambakkam, Chennai-600 034.

2. The Joint Commissioner,  
Tamil Nadu Hindu Religious Charitable  
Endowment Department,  
Dr.Balasundaram Road,  
Coimbatore - 641018.

3.The Executive Officer,  
Arulmigu Thandaeswara Swamy and  
Kalyana Vardharaja Perumal Thirukovil,  
Shankaramanallur, Kolumam,  
Madathukulam Taluk,  
Tiruppur District.

...Respondents

Prayer: Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of mandamus, forbearing the respondents authorities no.1 to 3 from evicting the petitioner in respect of agricultural land comprised in Survey.No.46/2, 241/2 situated at North Shanakaramanallur, Madathukulam Taluk, Tiruppur District except in accordance with due process of law.

For Petitioners: Mr.K.Myilsamy

For Respondents: Mr.M.Maharaja

Special Govt. Pleader (HR & CE)

ORDER

The relief sought for in this writ petition is to forbear the respondents authorities no.1 to 3 from evicting the petitioner in respect of agricultural land comprised in

Survey.No.46/2, 241/2 situated at North Shanakaramanallur, Madathukulam Taluk, Tiruppur District except in accordance with due process of law.

2 The learned counsel appearing on behalf of the writ petitioner states that he is in possession of the temple land by virtue of the lease granted by the Executive Officer of Arulmigu Thandaeswara Swamy and Kalyana Vardharaja Perumal Thirukovil, Shankaramanallur, Kolumam, Madathukulam Taluk, Tiruppur District. Except the lease receipts, the writ petitioner has not produced any valid document to prove the fact that the lease agreement has been entered into between the writ petitioner and the third respondent.

3 The learned Special Government Pleader (HR & CE) appearing on behalf of the respondents would submit that the lease was granted to the writ petitioner since he was the highest bidder during the previous auction. The learned Special Government Pleader further informed this Court that the lease period has expired and a fresh auction is scheduled to be conducted on 15.05.2018 and necessary notifications were also issued by the competent authorities in this regard. In order to generate more revenue for the benefit of the temple, new action of such a vast extent of land is eminent.

4 In view of the fact that the auction is scheduled to be held on 15.05.2018, all the eligible persons are at liberty to participate in the auction as per the procedure notified by the competent authorities. The authorities competent are also bound to follow the procedure and provide equal opportunities to all the eligible persons and conduct the auction in a fair and transparent manner. The writ petitioner, if he is otherwise qualified in accordance with terms and conditions of the auction notification, he may also be permitted to participate in the auction.

5 With the above observations and directions, the writ petition stands disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To.

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NA (CO)  
GN(10/05/2018)



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