

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.17786 to 17792 of 2018

|              |    |                                    |
|--------------|----|------------------------------------|
| P.Ponnusamy  | .. | Petitioner in W.P.No.17786 of 2018 |
| S.Kaliappan  | .. | Petitioner in W.P.No.17787 of 2018 |
| V.Vellingiri | .. | Petitioner in W.P.No.17788 of 2018 |
| R.Gandhi     | .. | Petitioner in W.P.No.17789 of 2018 |
| V.Eswaran    | .. | Petitioner in W.P.No.17790 of 2018 |
| N.Nagaraj    | .. | Petitioner in W.P.No.17791 of 2018 |
| V.Ponnusamy  | .. | Petitioner in W.P.No.17792 of 2018 |

-vs-

1. The Joint Commissioner  
HR & CE Department  
Coimbatore Division  
Dr.Balasundaram Road  
Coimbatore-18

2. The Executive Officer  
Arulmigu Moovarkandiamman Thirukovil  
Somavarapatti  
Udumalpet Taluk  
Tirupur District

..Respondents in all the writ petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned proceedings in re auction (third time) dated 03.07.2018 on the file of the second respondent and quash the same and consequently forbearing the respondents herein from disturbing petitioners' peaceful possession and enjoyment of property situated in S.No.47/1 measuring an extent of 6.00 acres, 6.00 acres, 4.00 acres, 4.00 acres; in S.No.43 measuring an extent of 2.00 acres; in S.No.47/1 measuring an extent of 8.10 acres, 3.00 acres, respectively at Somavarapatti, Udumalpet Taluk, Tirupur District.

For Petitioners:: Mr.L.Chandrakumar  
for Mr.V.P.K.Gowtham

For Respondents:: Mr.M.Maharaja  
Special Government Pleader

ORDER

Learned counsel for the petitioners submitted that the petitioners and their families have been cultivating the lands owned by the second respondent temple from the year 1989 by raising crops viz., maize and millets and they are also regularly paying the rent without any default. Therefore, there is no need for the respondents to dislodge the petitioners from the lands in question. Hence, the impugned public auction notice issued to hold the auction on 18.7.2018 is liable to be interfered with.

2. Mr.M.Maharaja, learned Special Government Pleader for the respondents submitted that it is not true to contend that the petitioners have been cultivating the lands from the year 1989. Since the auction notice has been issued now, let the auction proceedings go on, so that the petitioners can also take part and if the petitioners are declared as the successful bidders, then the entire prayer would become infructuous.

3. Mr.L.Chandrakumar, learned counsel for the petitioners, agreeing to the said course, also submitted that the petitioners are prepared to take part in the public auction.

4. In view thereof, let the public auction proceed as per the schedule and if the petitioners succeed, it is for the respondents to declare the petitioners as the successful bidders. With this observation, the writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.21062 to 21075 of 2018 are closed. No costs.

Sd/-  
Assistant Registrar (CS-IX)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

SS

To

1. The Joint Commissioner,  
HR & CE Department, Coimbatore Division,  
Dr.Balasundaram Road, Coimbatore-18
  2. The Executive Officer  
Arulmigu Moovarkandiamman Thirukovil  
Somavarapatti, Udumalpet Taluk, Tirupur District.
- + 1 cc to M/s. K. Sudhakar, Advocate SR.46466  
+ 1 cc to the Government Pleader Sr.47523

W.P.Nos.17786 to 17792 of 2018

CP(CO)

EU(30/07/2018)