

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.26443 of 2016
and W.M.P.Nos.22656 & 22657 of 2016 and W.M.P.No.28357 of 2017

P.Chinna Munusamy

.... Petitioner

Vs.

1. The Fit Person,
Arulmigu Kottaivasal Anjaneyar Thirukoil,
Dharapuram Town and Taluk,
Tiruppur District,
2. The Executive Officer,
HR & CE Department,
Arulmigu Kottaivasal Anjaneyar Thirukoil,
Dharapuram Town & Taluk,
Tiruppur District.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruppur,
Tiruppur District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the entire records relating to the impugned public auction notice dated 08.07.2016 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.C.Prakasam

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

O R D E R

This writ petition is filed challenging the auction proceedings dated 08.07.2016, wherein and whereby, the subject matter property was scheduled for public auction on 28.07.2016.

2. Heard both sides.

3. It is seen that the very same property was brought for public auction on 15.07.2015, wherein the petitioner had participated and became the successful bidder. It is stated that the petitioner paid a sum of Rs.40,000/- and the period of such lease was one year which ended on 30.06.2016. Therefore, the respondents issued the impugned proceedings for bringing the property for public auction for the subsequent period commencing from 01.07.2016 to 30.06.2017. The said proceedings is challenged by the petitioner by filing the present writ petition.

4. First of all, the petitioner is not having any vested right to remain in the property when the original lease itself was granted for one year, which ended on 30.06.2016. Secondly, the very impugned auction proceedings was intended for the fasli 1426 which commenced from 01.07.2016 to 30.06.2016. By filing the present writ petition, it is seen the petitioner has successfully dragged the matter and retained the property in his possession, even after the expiry of the original lease period. Such conduct of the petitioner lacks bonafide. Thus, this Court is not inclined to keep this writ petition pending any further. Accordingly, this writ petition is dismissed as not maintainable. Consequently, the respondents are at liberty to bring the property for public auction forthwith in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vsi
To

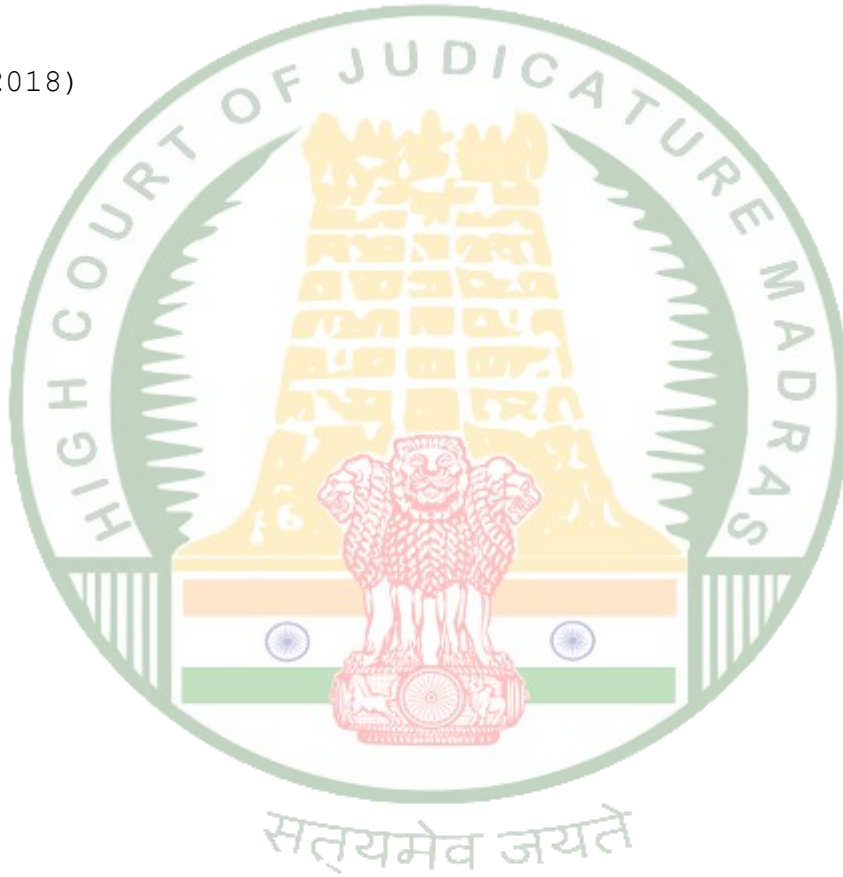
1. The Executive Officer,
HR & CE Department,
Arulmigu Kottaivasal Anjaneyar Thirukoil,
Dharapuram Town & Taluk,
Tiruppur District.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruppur,
Tiruppur District.

+1cc to Mr.C.PRAKASAM, Advocate, S.R.No. 21826
+1cc to the Government Pleader, S.R.No. 21345

W.P.No.26443 of 2016

RR(CO)
TR(28/03/2018)



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