

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.28871 and 28923 of 2018 and
W.M.P.Nos.33717 and 33801 of 2018

- 1.Jayalakshmi ...Petitioner in W.P.No. 2887 of 2018
2.Mr.N.Adikesavan ...Petitioner in W.P.No.28923 of 2018

Versus

- 1.The Principal Secretary to Government of Tamilnadu,
Tourism Culture and Religious Endowments Department,
Fort St.George,
Chennai - 600 009.
2.The Commissioner of HR & CE,
Nungambakkam High Road, Chennai - 34.
3.The Executive Officer,
Arulmigu Kapaleeswar Temple,
Mylapre,
Chennai - 600 004. ... Respondents in both W.Ps.

Prayer in W.P.No.28871 of 2018: Writ Petition filed under Article 226 of the Constitution of India, forbearing the 3rd respondent from conducting auction at 11 A.M. On 01.11.2018 in item Nos.9 to 12 (for shop Nos.41/4, 41A,41/B,41/C) all situated at Ramakrishna Mutt Road, Mylapore, Chennai - 4 or any other extended date and time, as much as the petitioner is concerned and also to direct the 1st respondent to pass orders either in the revision petition or petition for stay, direction, etc.,

Prayer in W.P.No.28923 of 2018: Writ Petition filed under Article 226 of the Constitution of India, forbearing the third respondent from conducting auction at 11 A.M. On 01.11.2018 in Item Nos.9 to 12 shop No.39/1,39/2,39/3 and 39/4 Ramakrishna Mutt Road, Mylapore, Chennai - 4 or any other extended date and time, as much as the petitioner is concerned and also to direct the 1st respondent to pass orders either in the revision petition or petition for stay, direction, etc.,

For Petitioners : Mr.V.Raghupathi
(in both W.P.'s)

For Respondents : Mr.M.Maharaja
Special Government Pleader
(in both W.P.'s)

C O M M O N O R D E R

These Writ Petitions have been filed by the petitioners seeking to forbear the third respondent from conducting auction at 11 A.M. on 01.11.2018 in item Nos.9 to 12 (for shop Nos.41/4, 41A,41/B,41/C) and (for shop Nos.39/1,39/2,39/3 and 39/4) respectively all situated at Ramakrishna Mutt Road, Mylapore, Chennai - 4 or any other extended date and time, as much as the petitioners are concerned and also to direct the first respondent to pass orders either in the revision petition or in petition for stay, direction, etc.,

2.The case of the petitioners in these Writ Petitions is that as per the order of this Court in W.P.Nos.23754 and 23756 of 2017 on 22.09.2017, the petitioners filed an appeal before the first respondent. Pending disposal of the same, the third respondent issued notification for public auction. Challenging the said notification, the petitioners filed W.P.Nos.13385 and 13386 of 2018, before this Court challenging the said notification. This Court, by an order dated 24.08.2018 disposed of the aforesaid writ petitions by directing the first respondent to dispose of the appeal filed by the petitioners on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of the said order. Though already four months have passed, the first respondent has not obeyed the order of this Court and the appeal is still pending. In the meanwhile, the third respondent is attempting to conduct auction with respect to the shops belonging to the temple on 01.01.2019. Hence, these Writ Petitions are filed seeking for the aforesaid relief.

3. The learned Special Government Pleader on instructions would submit that already the auction was over and excepting the five shops, in which the dispute is pending, the rest of the shops were already auctioned and let out.

4. In view of the said submission made by the learned Special Government Pleader, the first respondent is directed to dispose of the appeal filed by the petitioner, which is said to be in the part heard stage, before the end of this month.

5. These Writ Petitions are disposed of with the above directions. No costs. Consequently, connected Miscellaneous petitions are closed.

6. Post for compliance on 07.01.2019.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

arr/jas

To

- 1.The Principal Secretary to Government of Tamilnadu,
Tourism Culture and Religious Endowments Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of HR & CE,
Nungambakkam High Road, Chennai - 34.
- 3.The Executive Officer,
Arulmigu Kapaleeswar Temple,
Mylapre,
Chennai - 600 004.

Copy To

The Section Officer,
Writ Section,
High Court, Madras (Post on 07.01.2019)

+2cc to Mr.V.Raghupathi, Advocate, S.R.No. 86574, 86755

WEB COPY

W.P.Nos.28871 and 28923 of 2018
and
W.M.P.Nos.33717 and 33801 of 2018

GN(24/12/2018)