



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A(MD)Nos.1056 to 1058 of 2018
and
C.M.P.(MD)Nos.7287, 7286, 7289, 7290 and 7291 of 2018
and
W.P.(MD)Nos.16340 to 16342 of 2018
and
W.M.P.(MD)Nos.14532 to 14537 of 2018

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Trichirapalli.
2. The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswarar Thirukoil,
Madurai. ... Appellants/Respondents/Respondents
in all cases

Vs.

Peer Mohammed	: Respondent/Petitioner/Writ Petitioner in WA(MD)No.1056/2018
Shahul Hameed	: Respondent/Petitioner/Writ Petitioner in WA(MD)No.1057/2018
Pitchai Mohamed	: Respondent/Petitioner/Writ Petitioner in WA(MD)No.1058/2018

Common Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order, dated 25.07.2018 made in W.M.P.(MD) Nos.14533, 14535 and 14537 of 2018 in W.P.(MD)Nos.16340 to 16342 of 2018.

Prayer in WMP(MD)Nos.14533, 14535 and 14537/2018 :

Writ Miscellaneous Petitions are filed under Article 226 of the Constitution of India, praying this Court to grant an order of interim stay of all further proceedings pursuant to the Auction Notification dated 01/07/2018 in Na.Ka.No.64/2014/E1 of the 2nd respondent herein in so far as the lands of the petitioners herein measuring an extent of 6.93.5 hectares comprised in Survey No.342, Puchandathan Village, Manapparai Taluk, Trichy District is concerned, pending disposal of the above writ petition.



Prayer in WP(MD)Nos.16340 to 16342/2018 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the proceedings pursuant to the Auction Notification dated 01/07/2018 in Na.Ka.No.64/2014/E1 of the 2nd respondent herein in so far as the lands of the petitioner herein measuring an extent of 6.93.5 hectares comprised in Survey No.342, Puthanatham Village, Manapparai Taluk, Trichy District is concerned and quash the same.

For Appellants
in all cases : Mr.VR.Shanmuganathan
Additional Government Pleader

For Respondent
in all cases : Mr.V.Meenakshi Sundaram

W.P. (MD)Nos.16340 to 16342 of 2018

Peer Mohamed : Petitioner
in W.P.(MD)No.16340 of 2018

Sahul Hameed : Petitioner
in W.P.(MD)No.16341 of 2018

Pitchai Mohammed : Petitioner
in W.P.(MD)No.16342 of 2018

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu, Trichirapalli.
2. The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundaeswarar Thirukoil,
Madurai. : Respondents in all cases.

COMMON PRAYER: Petitions have been filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorari calling for the records relating to the proceedings pursuant to the auction notification dated 01.07.2018 in Na.Ka.No.64/2014/E1 of the second respondent herein insofar as the lands of the petitioner herein measuring an extent of 6.93.5 hectares comprised in Survey No.342, Puthanatham Village, Manapparai Taluk, Tiruchirapalli District is concerned and quash the same.

For Petitioner
in all cases : Mr.V.Meenakshi Sundaram

For Respondents
in all cases : Mr.VR.Shanmuganathan
Additional Government Pleader

**COMMON JUDGMENT**

(Judgment of the Court was delivered by PUSHPA SATHYANARAYANA, J.)

The above Writ Appeals are filed by the Commissioner, Hindu Religious and Charitable Endowments Department and the Joint Commissioner/Executive Officer of Arulmighu Meenakshi Sundareswarar Thirukoil, Madurai, who are the respondents in the writ petitions in W.P.(MD)Nos.16340 to 16341 of 2018, against the interim order passed in the writ petitions.

2. The Writ Petitions were filed for a Writ of Certiorari calling for the records relating to the proceedings pursuant to the auction notification, dated 01.07.2018 in Na.Ka.No.64/2014/E1 of the second respondent insofar as the lands measuring to an extent of 6.93.5 hectares, situated at Puthanatham Village, Manapparai Taluk, Tiruchirappalli District and quash the same.

3. The writ petitioners have sought for an interim stay of further proceedings of the above said auction notification.

4. Earlier, in connection with the same property, a suit has been filed in O.S.No.918 of 2017, which is pending on the file of II Additional Subordinate Court, Trichirappalli. There is yet another proceedings of eviction, which came to be passed against the writ petitioners and an appeal has also been filed under Section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and that is also pending.

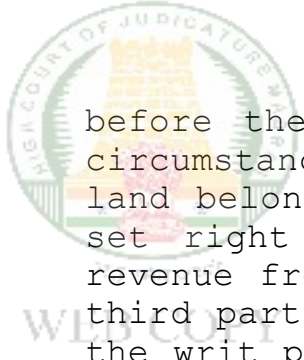
5. It is also brought to the knowledge of this Court that pursuant to the said order of eviction, possession was taken on 26.12.2017.

6. Be that as it may, now the dispute is only with respect to the title of the writ petitioners, who claimed to have purchased the property in the year 1984 and they were dispossessed, pursuant to the proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

7. The learned Counsel appearing for the respondents/writ petitioners submitted that when the appeal is pending before the Commissioner and the suit is also yet to be decided with respect to the title of the parties, the third party interest cannot be allowed to be created by conducting the auction.

8. The learned Special Government Pleader appearing for the appellants/respondents submitted that the appeal is pending and the decision is awaited and it would require two weeks' time for

9. No doubt, the order in the appeal is subject to challenge



before the Government of Tamil Nadu. From the above facts and circumstances, it is clear from the proceedings impugned that the land belonged to the temple. It is the endeavour of the Court to set right the interest of the temple and also to augment the revenue from its properties. Conducting an auction will create a third party interest and in the event of success, the interest of the writ petitioners would be affected. Hence, this Court is of the view that the Commissioner may be directed to dispose of R.P.A.No.17 of 2018 within a period of four weeks from today. In the meanwhile, the suit in O.S.No.918 of 2017 pending on the file of II Additional Subordinate Court, Trichirappalli may also be expedited. As a direction is given to the Commissioner, Hindu Religious and Charitable Endowment Department, Trichirappalli, the interim order granted by this Court is to continue till the disposal of R.P.A.No.17 of 2018.

10. As the auction is now postponed till the pronouncement of the order by the Commissioner, Hindu Religious and Charitable Endowment Department, Trichirappalli, atleast for a period of four weeks, the prayer in the writ petitions has become infructuous. Hence, the Writ Petitions are disposed of and the Writ Appeals are closed. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Government of Tamil Nadu,
Trichirappalli.
2. The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswarar Thirukoil,
Madurai.

+ 2 CC TO Mr.J.ANANDKUMAR, ADVOCATE IN SR Nos. 77848, 77847

SSL

TE/RP/SAR-4 : 23/08/2018 : 4P/5C

W.A(MD)Nos.1056 to 1058 of 2018 and

W.P. (MD)Nos.16340 to 16342 of 2018

09.08.2018