

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 30632 of 2019
and
W.M.P. Nos. 30707 & 30710 of 2019

Chandramohan

... Petitioner

-vs-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamilnadu,
Salem- 1.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamilnadu,
Dharmapuri,
Dharmapuri District.
3. The Inspector,
Hindu Religious and Charitable Endowments Department,
Government of Tamilnadu,
Harur,
Dharmapuri District.
4. The Executive Officer,
Arulmigu Venkatramanaswami Thirukoyil,
Maniyambadi,
Pappireddipatti Taluk,
Dharmapuri District.
5. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records in connection with auction notice dated nil fixing the public auction on 31.10.2019 with regard to the Petitioner's lands comprised in Survey No. 91 an extent of 5.78.00 Hectares and in S. No. 92 an extent of 5.60.5 hectares

in Karthankulam Village, Odasalpatti Post, Pappireddipatti Taluk, Dharmapuri District.

For Petitioner : Mr. K. Thiruvengadam

For Respondents: Mr. M. Maharaja (For R1 to R4)
Special Government Pleader (HR & CE)

Mr. R. Venkatesh (For R5)
Government Advocate

O R D E R

The Writ Petition has been filed challenging the public auction proposed to be conducted on 31.10.2019 (today) on the ground that the property does not belong to the Fourth Respondent temple and that the same is owned by the Petitioner. In this regard, it is contended by the Learned Counsel appearing for the Petitioner that a suit in O.S. No. 149 of 2013 has been instituted by the Petitioner in the District Munsif, Pappireddipatti, for declaration of his title to the property against the Fourth Respondent, which is pending.

2. Learned Special Government Pleader (HR & CE) appearing for the First to Fourth Respondents, on instructions, submits that the said suit has been dismissed for default on 20.07.2019 and as such, it cannot be claimed that the suit is pending.

3. Having regard to the aforesaid rival submissions, when the Petitioner has failed to diligently prosecute the aforesaid suit, there is no justification to prevent the conduct of the auction by the Fourth Respondent.

4. In the result, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamilnadu,
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Pappireddipatti Taluk,
Dharmapuri District.
5. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.

+lcc to Mr. K. Thiruvengadam, Advocate sr.90979
+lcc to Government Pleader SR.NO. 91128

W.P. No. 30632 of 2019

rj(co)
nr 12/11/2019

सत्यमेव जयते

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