

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.32697 of 2018
and
W.P.Nos.22269, 26806 of 2019
and
W.M.P.Nos.26223 of 2019
and
W.M.P.Nos.21561, 21563, 26206 & 26207 of 2019

M.Shivakumar ... Petitioner in W.P.No.32697 of 2018

K.N.Zenith Natarajan
.. Petitioner in W.P.Nos.22269 & 26806 of 2019

..Vs..

1.The Secretary to Government,
Hindu Religious & Charitable Endowments Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

3.The Additional Commissioner (Enquiry)
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

4.The Deputy Commissioner,
Hindu Religious & Charitable Endowments Department,
Dharmapuri.

5.K.N.Zenith Natarajan
.. Respondents in W.P.No.32697 of 2018

1.The Secretary to Government,
Hindu Religious & Charitable Endowments Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner

Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

3.The Additional Commissioner O/o. The Commissioner
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

4.The Joint Commissioner

Hindu Religious & Charitable Endowments Department,
Dharmapuri.

5.The Fit Person/Executive Officer

Arulmigu Karagachamundi Amman Vagairai Thirukoilgal
Chennai Salai,
Krishnagiri Taluk & District.

6.M.Sivakumar

.. Respondents in both W.P.Nos.22269 & 26806 of 2019

Prayer in W.P.No.32697 of 2018 : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.06.2018 connection with eviction of the 5th respondent from unlawful possession of temple land situated at Krishnagiri District and Taluk in survey No.693A & 694B, extent of 4400 sq.ft.

Prayer in W.P.No.22269 of 2019 : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 5th respondent pertaining to dated 19.07.2019, received on 25.07.2019 and quash the same.

Prayer in W.P.No.26806 of 2019 : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent pertaining to the Auction Notice dated 29.08.2019 published by the 5th respondent in "Dhina Thanthi" newspaper & quash the same and consequently forbear the respondents from interfering with the petitioner's enjoyment and possession of the property comprised in the Commercial Building situate in ward 'C', Block.14, T.S.No.11/7, Krishnagiri Town, Krishnagiri until the lease period expires.

For Petitioner : Mr.P.Valliappan,
in W.P.Nos.22269
& 26806 of 2019.

: Ms.K.Vasuki
in W.P.No.32697 of 2018.

For RR1 to 4 : Mr.E.Neelakandan
Govt. Advocate for HR & CE.,
in W.P.No.32697 of 2018.

For RR1 to 5 : Mr.M.Karthikeyan,
Special Government Pleader,
for HR & CE.,
in W.P.Nos.22269 & 26806 of 2019

For R5 : Mr.P.Valliappan in W.P.No.32697/2018

For R6 :Ms.K.Vasuki for R6 in
W.P.No.22269/2017 and W.P.No.26806/2019

ORDER

All these three writ petitions relate to the lands of the temple namely, Arulmigu Karagachamundi Amman Vagaira Thirukoilgal, Krishnagiri District. The land has been leased out as shops and there are ten such shops. The petitioner, K.N.Zenith Natarajan in W.P.No.22269 of 2019 and in W.P.No.26806 of 2019 is one of the shop owners/lessees of the temple.

2. The writ petitioner, Shivakumar in W.P.No.32697 of 2018 had expressed grievance over the possession of the shop by K.N.Zenith Natarajan. Therefore, he had filed W.P.No.32697 of 2018 in the nature of Mandamus, seeking a direction to consider his representation dated 23.06.2018. In the representation, he had stated that the said K.N.Zenith Natarajan should be evicted. This led to knee-jerk reaction by the temple authorities and they had issued notice to the said K.N.Zenith Natarajan to vacate the shop within a period of four days. This led to the said K.N.Zenith Natarajan to file W.P.No.22269 of 2019 and thereafter, to further consolidate the possession, another writ petition in W.P.No.26809 of 2019 had been filed.

3. Mr.P.Valliappan, learned counsel for the petitioner in the said two writ petitions questioned the locus of Shivakumar to maintain W.P.No.32697 of 2018 stating that the said writ petition had been actually filed in the nature of Public

Interest Litigation and therefore, should not have been maintained before this Court and should have been presented before the Division Bench of this Court dealing with the Public Interest Litigation portfolio.

4. At any rate, quietus can be given to the entire issues raised by the petitioners herein, since the temple authorities, on instructions has stated by Mr.M.Karthikeyan, learned Special Government Pleader for HR & CE., Department, had issued notice inviting tenders for ten shops and it is stated that the said notice for a period of participating the tender from 10.01.2020 till 21.01.2020 and that the tenders would be opened on 22.01.2020. This stand taken by the temple authorities has also satisfied the learned counsel Ms.K.Vasuki in W.P.No.32697 of 2018, who is stated that as a devotee, the petitioner Shivakumar was interested in getting additional revenue to the temple for the lands leased out. It must certainly let in the lands on tender basis and inviting bidders and therefore, following such procedure would get an optimum rent for the leased out shops.

5. Therefore, all the three Writ Petitions stands disposed of with the observation that the temple authorities of Arulmigu Karagachamundi Amman Vagaira Thirukoilgal at Krishnagiri District, may proceed with the auction in accordance with the rules and in accordance with the terms in the tender and give a quietus to the entire issue. No orders are required in all the three Writ Petitions. The petitioner, K.N.Zenith Natarajan, in W.P.Nos.22269 and 26806 of 2019 is also permitted to participate in the auction. Any individual who satisfy the terms of the auction including the petitioner, M.Shivakumar in W.P.No.32697 of 2018 may also participate in the auction. Consequently, connected Writ Miscellaneous Petitions are closed. No order as to costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

smv
To,

1.The Secretary to Government,
Hindu Religious & Charitable Endowments Department,
Secretariat,
Chennai - 600 009.

WEB COPY

2.The Commissioner
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
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Arulmigu Karagachamundi Amman Vagaira Thirukoilgal
Chennai Salai,
Krishnagiri Taluk & District.

6.The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Dharmapuri

+1 CC to Mr.P.Valliappan, Advocate sr 2884
+1 CC to The Spl. Govt. Pleader(HR & CE) sr 3604.
+2 CCs to Mr.P.Valliappan, Advocate sr 2883, 2885(16/03/2020)

W.P.No.32697 of 2018
and

W.P.Nos.22269, 26806 of 2019

PM(CO)
SP(17/02/2020)

सत्यमेव जयते

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