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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.15876 OF 2021
AND
W.M.P.NOS.16772 & 16774 OF 2021

M.Chandramohan,
S/o.Marimuthu ... 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 Tamil Nadu,
   Dharmapuri, Dharmapuri District.

3. The Inspector,
   Hindu Religious and Charitable
   Endowments Department,
   Government of Tamil Nadu,
   Harur, Dharmapuri District.

4. The Executive Officer,
   Arulmigu Venkatramanaswami Thirukoyil,
   Maniyambadi, Pappireddipatti Taluk,
   Dharmapuri District.

5. The Tahsildar,
   Pappireddipatti Taluk,
   Dharmapuri District. ... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records in connection with auction notice dated NIL fixing the

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public auction on 26.07.2021 of the 4th respondent with regard to petitioner's land comprised in Survey No.91 an extent of 5.78.00 Hectares in Karthankulam Village, Ranimookanur Post, Harur Taluk, Dharmapuri District and quash the same.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.N.R.R.Arun Natarajan, Government Advocate

ORDER

The public auction notice dated NIL, fixing the public auction on 26.07.2021, issued by the fourth respondent, is under challenge in the present writ petition.

2. The petitioner states that his grandfather purchased the subject property in the year 1955 by registered Sale Deed registered with the Sub Registrar, Harur vide Document Nos.444/1955 and 446/1955. From the year 1955 onwards, the petitioner's family is in peaceful possession and enjoyment of the subject property. In this context, the petitioner claims that the fourth respondent-temple has no right over the property at all. In this regard, it is stated that the petitioner has already filed O.S.No.149 of 2013 and the said suit is pending. Therefore, the auction notice is liable to be set aside.

3. The learned Government Advocate for the respondents made a submission that earlier, the very same writ petitioner filed W.P.No.30632 of 2019 challenging the auction notice dated NIL fixing the public auction on 31.10.2019 with regard to the petitioner's lands comprised in S.No.91 to an extent of 5.78.00 Hectares and in S.No.92 to an extent of 5.60.5 Hectares in Karthankulam Village, Odasalpatti Post, Pappireddipatti Taluk, Dharmapuri District. This Court passed final orders in the said writ petition on 31.10.2019 dismissing the writ petition filed by the petitioner by stating that the suit filed in O.S.No.149/2013 was dismissed for default on 20.07.2019.

4. The present writ petition is filed challenging the auction scheduled to be conducted on 26.07.2021. However, the learned Government Advocate made a submission that the auction was unable to be conducted on that day and therefore, the auction notice lost its validity. This apart, the subject property belongs to the fourth respondent-temple and the petitioner has stated that he filed a civil suit and this Court recorded that the said civil suit was dismissed for default and under these circumstances, if at all the petitioner claims any title or otherwise, it is for him to pursue the civil suit in

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the manner known to law. However, the fourth respondent cannot be prevented from dealing with the property, as the property belongs to the temple and the respondents are entitled to go for a fresh auction for the purpose of auctioning the property.

5. This Court is of the considered opinion that as of now, the petitioner has not established any right in respect of the subject property. If at all the petitioner could able to get an order of declaration from a competent court of law, then the authorities can be restrained and not otherwise. These being the principles to be followed, the petitioner has not established any legal right for the purpose of entertaining this writ petition. Furthermore, the auction notice also lost its relevance and therefore, no further consideration is required and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

abr

To

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 Tamil Nadu,
   Dharmapuri, Dharmapuri District.

3. The Inspector,
   Hindu Religious and Charitable
   Endowments Department,
   Government of Tamil Nadu,
   Harur, Dharmapuri District.

4. The Executive Officer,
   Arulmigu Venkatramanaswami Thirukoyil,
   Maniyambadi, Pappireddipatti Taluk,
   Dharmapuri District.

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5. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No.37059

W.P.NO.15876 OF 2021

JP-II(CO)
PBS/24/08/2021

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