

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.14418 of 2020
and
WMP. No.18205 of 2020

David Raja

...Petitioner

Vs

- 1.The Commissioner,
Hindu Religious & Charitable Endowments,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Villupuram.
- 3.The Executive Officer,
Hindu Religious & Charitable Endowments,
Chinna Salem Taluk,
Kallakurichi District.
- 4.Arulmigu Varadharajaperumal Vakaiyara Deavasthanam,
Rep. by its Trustee,
Karichipalayam Uththu,
Chinna Salem Taluk,
Kallakurichi District.
- 5.Sundra Chozhan
- 6.Chinnarasu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 to hand over the possession of auction land situated at SF No.421 in Kallakurichi Arulmigu Govindaraja Perumal Temple, Odaikaadu, Karichipalayam Uththu, Chinna Salem Taluk, Kallakurichi District as per auction conducted by the 3rd respondent dated 21.07.2020 within a time frame fixed by this Court.

For Petitioner : Mr.K.Thenrajan

For Respondents: Mr.R.Venkatesh (for R1 to R3)
Government Advocate

O R D E R

The petitioner has prayed for a mandamus to direct respondents 1 to 4 to hand over possession of the auctioned land situate at SF No.421 in Kallakurichi Arulmigu Govindaraja Perumal Temple, Odaikaadu, Karichipalayam Uththu, Chinna Salem Taluk, Kallakurichi District as per auction conducted by the 3rd respondent on 21.07.2020.

2. A Memo dated nil. has been filed by R3 on 29.01.2021 stating as follows:

1) It humbly submitted that the 3rd respondent Executive officer is in charge of the administration of Arulmigu Varadharaja perumal temple of Kachirayapalayam village, Chinnasalem taluk, Kallakurichi district and he is well aware of the facts and circumstances of the case.

2) It is respectfully submitted by the third respondent that the writ petition has been filed praying to issue a writ of Mandamus directing the respondents 1 to 4 to hand over the possession of the auctioned land measuring 4.00 acres situated in SF No 421 of Odaikaadu, Kachirayapalayam, Chinnasalem taluk, Kallakurichi district.

3) It is further submitted that the above said land belongs to Arulmigu Varadharaja perumal temple of Kachirayapalayam village, Chinnasalem taluk, Kallakurichi district and the said land was leased out to the writ petitioner through public auction held on 21.07.2020. Based on the request made by the writ petitioner, the leased land was measured on 14.09.2020 with the help of Revenue authorities in the presence of police officials and general public. After measurement, it was found that in a portion of the said temple land measuring 1.50 acres the 5th respondent Thiru Sundarachozhen S/O Raji gounder was in illegal occupation through 6th respondent herein by way of sub lease.

4) Hence, a complaint was lodged in the police station at Kachirayapalayam. On the basis of the same an enquiry was conducted by the Inspector of police and she called upon the previous lease Thiru. Chinraj S/O Mani the 6th respondent herein and directed him to surrender possession of the property to the temple authorities since lease period is over. Accordingly, Thiru. Chinraj had surrendered the possession of the said 4.00 acres to this 3rd respondent on 17.09.2020 on the same day it was handed over to the present writ petitioner herein. A letter of surrendering possession 4.00 acres of leased land is also issued to the writ petitioner on 17.09.2020 and he received the same. A copy of the letter is produced along with this memorandum.

5) Therefore, the relief sought for in the writ petition is served and the dispute came to an end.

6) Hence, the 3rd respondent prays that this Hon'ble court may be pleased to dismiss the writ petition as infructuous and thus render justice.'

3. Recording the aforesaid memo, and as the mandamus sought for is achieved, this writ petition is closed. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious & Charitable Endowments, Chennai.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments, Villupuram.

3.The Executive Officer,
Hindu Religious & Charitable Endowments,
Chinna Salem Taluk, Kallakurichi District.

+1cc to Mr.K.Thenrajan, Advocate Sr.No.4718

+1cc to The Government Pleader Sr.No.4912

AKM/26.02.21/3P-6C/

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सत्यमेव जयते

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