

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.18113 of 2020 and
WMP.Nos.22498 & 22497 of 2020

J.Siva Chellappa

...Petitioner

Vs.

1.The Joint Commissioner
Hindu Religious and Charitable Endowments Board,
Villupuram District

2.The Inspector
Hindu Religious and Charitable Endowments Board,
Ulundurpettai, Villupuram 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 pertaining to the impugned public auction notice published in an advertisement in "Daily Thanthi" bearing proceeding No.Ve.Aa.No.76/Se.ma.Tho.A/2020 dated 03.11.2020 passed by the 2nd Respondent is illegal and quash the same.

For Petitioner : No Appearance
For Respondents : Mr.R.Venkatesh
Government Advocate

O R D E R

The challenge is to an auction notice published in the Daily Thanthi on 03.11.2020 by the 2nd respondent, the Inspector of Hindu Religious and Charitable Endowment Board. The petitioner claims to be a hereditary trustee of the Arulmighu Annapoorai Samayotha Sundaramahalingeswara Temple.

2.He states that the temple was founded by his grandfather in his own land at S.Nos.75/2, 75/1A and 75/1B, Killiyur Village, Ulundurpet Taluk, Kallakurichi District. The temple is not listed. It appears that the grandfather of the petitioner had declared himself as a hereditary trustee and has been maintaining the temple.

3.After his demise in 1982, the father of the petitioner had been continuing the said activity. The petitioner states that he had encountered certain difficulties with the HR&CE authorities particularly, with R2 who had made attempts to seize the temple properties. An application had thus been filed under Section 63 (b) in O.A.No.4 of 2018, pending before the first respondent, the Joint Commissioner, HR&CE Board. A writ petition came to be filed in WP.No.20952 of 2019 seeking disposal of the application and came to be disposed on 18.07.2019 directing R1 to dispose the same on or before 10.12.2019. There has been no compliance of the aforesaid order.

4.In the meantime, the impugned auction notice has come to be issued for a public contract for the purpose of fencing the property bearing Survey Nos.68/6, 75/1 and 75/1, the latter, according to the petitioner, belonging to him. As far as the auction notice is itself concerned, the cause of action did not survive even on the date, when the writ petition had first come up for hearing. As a matter of resolving the pending dispute, I had, on 04.01.2021 directed that O.A.No.4 of 2018 be decided within a period of six (6) weeks from that date. On 23.03.2021 extension of time was sought for by the HR&CE Department and was granted.

5.Today, Mr.Venkatesh, learned Government Advocate states that the petitioner has sought an adjournment in the interim before the authorities because of which they are unable to finalise the proceedings and the matter is now listed for final hearing on 05.05.2021. This is recorded.

6.In the light of the narration as aforesaid, I see no reason to keep this writ petition pending any longer except to direct the petitioner to co-operate in the disposal of the original application and the 1st respondent to dispose the O.A. as expeditiously as possible, in any event, within a period of four (4) weeks from today.

7.This writ petition is disposed in the aforesaid terms. Connected miscellaneous petitions are closed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

VS

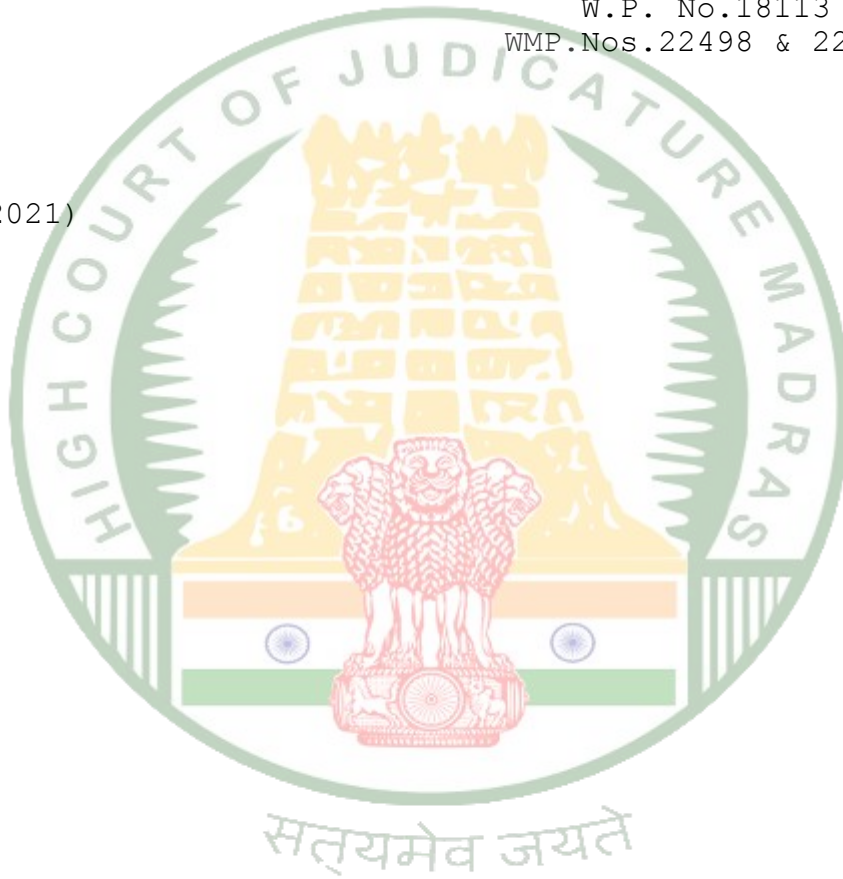
To

1.The Joint Commissioner
Hindu Religious and Charitable Endowments Board,
Villupuram District.

2.The Inspector
Hindu Religious and Charitable Endowments Board,
Ulundurpettai, Villupuram District.

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PA(CO)
SP(29/06/2021)



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