



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD).No.19534 of 2021

and

W.M.P.(MD) Nos. 16225 and 16226 of 2021

N. Rathnachalam

... Petitioner

Vs.

1. The Joint Commissioner,
Tamil Nadu Hindu Religious,
Charitable Endowments Department,
Karur District.
2. The Assistant Commissioner,
Tamil Nadu Hindu Religious,
Charitable Endowments Department,
No. 11AD, Saminathapuram,
Karur.
3. The Inspector/Trustee,
Tamil Nadu Hindu Religious,
Charitable Endowments Department,
Arulmigu Varatharaja Perumal Temple,
Paruppu Thurai, Aravakurichi Taluk,
Karur District.

... Respondents

Prayer : Petition filed under Section Article 226 of the Constitution of India for the issuance of writ of certiorari, calling for the records pertaining to the impugned public auction notification issued by the third respondent in No. Nil, dated Nil, in respect of the property situated in Survey No. 894 of Venjamankudalur East Village, Aravakurichi Taluk, Karur District to an extent of Ac 14.07 cents scheduled to be conducted on 27.10.2021 AT 11.00 A.M. Relating to Fasli year 1431 to 1433 and quash the same as illegal, arbitrary, against the principles of natural justice and the procedures contemplated under Section 80 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and pass orders.

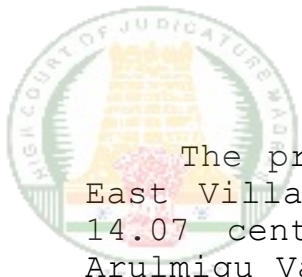
For Petitioner : Mr. V. Balaji

For Respondents : Mr. J. John Rajadurai

Government Advocate for R1 and R2

Mr. P. Athimoolapandian

Standing Counsel for R3



ORDER

The property is situated at Survey No. 894 of Venjamankudalur East Village, Aravakurichi Taluk, Karur District to an extent of 14.07 cents. This property, belongs to the third respondent/ Arulmigu Varatharaja Perumal Temple, Karur District. The petitioner has been in occupation of the said lands for the past twenty years. He claims that the lease had been granted to him.

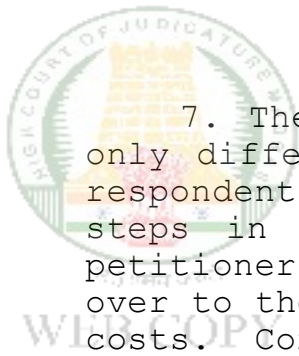
2. No lease can be lease in perpetuity. It can only be renewed at times and if the procedure involves auction of lease, the petitioner is always at liberty to participate in such auction and cannot seek to continue the lease for a further period of time. As an illustration among various documents filed along with writ petition, there is a receipt dated 14.04.2017 for payment of lease amount to the third respondent. It is disputed whether the lease amount was given to the third respondent or to a stranger but still the amount of lease is what is more shocking, namely that it is Rs.4,200/- for a vast extent of 14.07 acres.

3.The petitioner, with due respect should have some conscience. The temple/Arulmigu Varatharaja Perumal Temple has been very benevolent to the petitioner and his family by ensuring that with very little economic or financial output, they have been enjoying 14.07 acres. Now it is the turn of the petitioner to pay back. He should permit the respondents to proceed in manner known to law. The only manner, known to law is by auctioning the property for lease and very naturally the petitioner can always participate in the said auction.

4. I am informed that there was an earlier attempt to bring the property for auction for lease and thereafter the petitioner had filed W.P.(MD) 77481 of 2018. I am informed that a learned Single Judge of this court had directed that the auction can go on but the result should not be declared. It has only turned the clock back and the petitioner continues to be in possession of the vast area of 14.07 acres by paying Rs.4,200/- to a stranger to the entire transaction. This situation cannot be permitted to continue once it is brought to the notice of any judicial forum.

5.The petitioner had filed the present writ petition thereby inviting the attention of this court. It is not as if this court has taken this issue on its own account. I am informed that a further notification had been issued for auction of the area and the auction date was fixed on 27.10.2021. This has led to the filing of the present writ petition.

6.Very specifically I hold that there is no stay and the respondents are permitted to proceed with the auction. I am informed that the auction could not be held on 27.10.2021 but after following due procedure, further notification has been issued for conducting the auction on 15.12.2021.



7. The petitioner can still participate in the auction. The only difference is, after concluding the auction proceedings, the respondents must declare the auction result and thereafter take steps in manner known to law to recover possession from the petitioner, if he is not the successful bidder and hand possession over to the successful bidder. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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