



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]Nos.21212 & 22152 of 2016

and

W.M.P.[MD]Nos.15158, 15859 to 15861 of 2016

R.Maharajan : Petitioner in both Writ Petitions

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Gandhi Road,
Nungambakkam,
Chennai - 34.

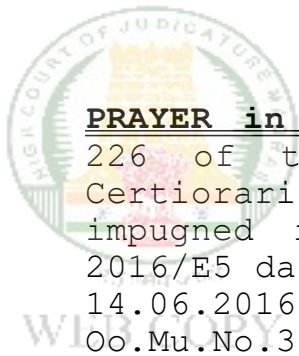
2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

3.The Deputy Commissioner /
The Executive Officer,
Arulmighu Subramaniya Swamy Thirukovil,
Thiruparakundram,
Madurai.

: Respondents in both Writ Petitions

4.P.Nallusamy : 4th Respondent in W.P.[MD]No.22152/16

PRAYER in W.P.[MD]No.21212/16: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made in Na.Ka.No.406/2016/E5 dated 15.07.2016 passed by the third respondent and quash the same and thereby confirm the bid and permit the petitioner to cultivate the land in Survey Number 387/3 measuring an extent of 0.72 cent and Survey Number 387/4 measuring an extent of 0.12 cent situated at Nakalapatti Village, Usilampatti Taluk, Madurai District.



PRAYER in W.P. [MD]No.22152/16: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned re-tender/re-auction notification made in N.Ka.No.406/2016/E5 dated 12.06.2016 published in Daily Thanthi newspaper dated 14.06.2016 as well as the communication of confirmation made in Oo.Mu.No.30699/2016 M1 dated 13.07.2016 by the first respondent in favour of the fourth respondent and quash the same and consequently direct the third respondent to re-auction / re-tender the property comprised in Survey Number 387/3 measuring an extent of 0.72 cent and Survey Number 387/4 measuring an extent of 0.12 cent situated at Nakalapatti Village, Usilampatti Taluk, Madurai District in accordance with Rule 4(1) of Religious Institutions (lease of immovable property) Rules 1963.

For Petitioner : Mr.C.Prithviraj
for Mr.T.C.S.Thillainayagam

For Respondents 1 & 2 : Mr.M.Lingadurai
Special Government Pleader

For Respondent No.3 : Mr.S.Manohar
[In both writ petitions]

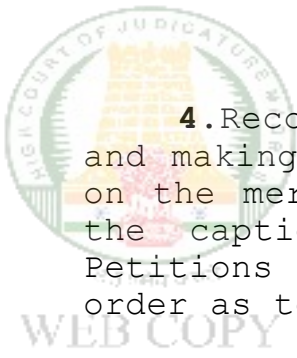
For Respondent No.4 : No appearance
[In W.P. [MD]No.22152/16]

COMMON ORDER

Mr.C.Prithviraj, learned Counsel representing Counsel on record for writ petitioner in both the captioned writ petitions, Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 1 & 2 in both the captioned writ petitions, Mr.S.Manohar, learned private Counsel for Executive officer of the temple concerned [Executive Officer in the cadre of Deputy Commissioner] ie., third respondent in both the captioned writ petitions are before me.

2.Fourth respondent in one of the two writ petitions viz., W.P.[MD]No.22152 of 2016 [private respondent] has entered appearance through a Counsel [Mr.K.K.Samy], name of the Counsel together with co-counsel is duly shown in the cause list but there is no representation.

3.Be that as it may, this Court is informed by learned Temple Counsel Mr.S.Manohar that the period for which auction notification dated 20.05.2016 was issued has elapsed. This Court is further informed that the nucleus of both the captioned writ petitions is a auction, the period of auction is from 01.07.2016 to 30.06.2017 that has elapsed and therefore, the matter has become infructuous.



4.Recording the stated position of the learned temple Counsel and making it clear that I have not expressed any opinion or view on the merits of the matter in the captioned writ petitions both the captioned Writ Petitions and all the Writ Miscellaneous Petitions therein are disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Gandhi Road, Nungambakkam,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.
- 3.The Deputy Commissioner / The Executive Officer,
Arulmighu Subramaniya Swamy Thirukovil,
Thiruparakundram,
Madurai.

+1 CC to M/s.SPL GP (SR-39253[F] dated 17/12/2021)

+2 CC to M/s.S.MANO HAR, Advocate (SR-39209 & 39210[F] dated 17/12/2021)

ORDER MADE IN
W.P. [MD]Nos.21212 & 22152 of 2016
16.12.2021