



W.P.No.12549 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.12549 of 2022

M.Thangavelu

... Petitioner

Vs.

The Executive Officer & Thakkar,  
Arulmighu Karikaliamman Thirukoil,  
Aneekkadavu Village,  
Udumalpet Taluk,  
Thiruppur.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct respondent herein to consider the petitioner's representation dated 04.04.2022 seeking protection for continuing the petitioner's cultivation activities on the lands leased out by the respondent till the expiry of the lease period.

For Petitioner : Mr.P.Ayyaswamy

For Respondent : Mr.K.Ashok Kumar



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**ORDER**

The petitioner has filed this writ petition for a Mandamus to direct the respondent herein to consider the representation of the petitioner dated 04.04.2022 seeking protection for continuing the petitioner's cultivation activities on the lease land till the expiry of the lease period.

2. The present writ petition was filed on 09.05.2022. As per the averment in the affidavit filed in support of the present writ petition, the petitioner has been in possession of the land for a period of thirty (30) years and that the petitioner has been paying a lease rent and that the lease was to expire on 30.06.2022.

3. Today, when the case was taken up for hearing, the learned counsel for the petitioner submits that the petitioner has cultivated Maize Crop in the leased land and it is expected that the Maize Crop will be ready for harvest in another three months time.

4. The learned counsel for the petitioner therefore, seeks extension of time by another three months for harvest. The Maize Crop cultivated by the petitioner in the leased land belongs to the respondent temple.



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5. Opposing the prayer, the learned counsel for the respondent temple submits that the lease period has come to an end on 30.06.2022 and therefore, the remedy, if any, the petitioner is to be entitled in terms of Section 34C of the HR & CE, Act, 1959.

6. That apart, it is submitted that on 22.04.2022, a decision was taken for leasing the land for the ensuing period from 01.07.2022 to 30.06.2023 and it was proposed that the auction will be held on 13.05.2022.

7. The learned counsel for the respondent further submits that the notice was also served on the petitioner on 23.02.2022 asking the petitioner to participate in the ensuing auction which was later to be held on 13.05.2022. Instead of participating in the auction, the petitioner has filed the writ petition on 09.05.2022.

8. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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9. The relief sought for in the present writ petition was confined only for a lease period up to 30.06.2022. The said period has expired. The land has been now leased to two different persons pursuant to an auction held on 13.05.2022. The successful bidders have also taken possession over the land.

10. Considering the above, I am inclined to dismiss this writ petition while giving liberty to the petitioner to work out his remedy under the Provisions of the HR & CE, Act, 1959, if any under Section 34C of the HR & CE, Act, 1959.

11. The Writ Petition stands dismissed with the above observations. No costs.

**05.07.2022**

Index : Yes/No  
Internet : Yes/No  
Speaking/Non-speaking Order  
rgm



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To

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The Executive Officer & Thakkar,  
Arulmighu Karikaliamman Thirukoil,  
Aneekkadavu Village,  
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**C.SARAVANAN, J.**

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