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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.16132 of 2021  
and  
W.M.P.No.17060 of 2021

Shivakumar

... Petitioner

Vs.

1. The Secretary to Government,  
Hindu Religious & Charitable Endowments Department,  
Secretariat,  
Chennai - 600 009.
2. The Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Nungambakkam High Road,  
Chennai - 600 034.
3. The Additional Commissioner (Enquiry)  
Office of the Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Nungambakkam High Road,  
Chennai - 600 034.
4. The Deputy Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Dharmapuri.

5. K.N.Zenith Natrajan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to conduct the Public auction and to lent the temple land for lease which is situated at Krishnagiri District and Taluk in Survey Nos.693A & 694B, extent of 4,400 Sq.ft.

For Petitioner : M/s.K.Vasuki

For Respondents:

For R1 to R4 : Mr.N.R.R.Arun Natarajan  
Government Advocate

For R5 : Mr.S.Subramanian



## ORDER

The petitioner has filed this writ petition for a Mandamus, to direct the respondents 1 to 4, to conduct the Public auction and to lent the temple land for lease which is situated at Krishnagiri District and Taluk in Survey Nos.693A & 694B, extent of 4,400 Sq.ft.

2. It is submitted that the petitioner and the fifth respondent are rivals who are fighting for the rights over a shop in Survey Nos.693A and 694B to an extent of 4,400 Sq.ft.

3. Earlier, the fifth respondent herein had filed a writ petition in W.P.No.8262 of 2015, wherein the petitioner herein was impleaded as the sixth respondent. The said writ petition was filed for the issuance of a writ of certiorarified mandamus, to call for the records of the second respondent/Commissioner, H.R. & C.E in respect of the impugned order O.Mu.No.4123/2015/V1, dated 26.02.2015 passed by the Commissioner, H.R. & C.E and quash the same with a consequential direction to the Respondents herein to extend the lease granted to the Petitioner therein pursuant to the Proceedings O.Mu.No.60217/2011 V1, dated 02.01.2012 issued by the Additional Commissioner, H.R. & C.E for a further period of three years from 01.02.2015 by following the rules and regulations for the extension of similar lease granted by the Department to similar lessees by taking into consideration the ground realities as well as rent charged in respect of similar leases in and around the area. The said writ petition was dismissed as devoid of merits.

4. Thereafter, the petitioner in this writ petition had also filed a writ petition in W.P.No.32697 of 2018 for the issuance of a writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 23.06.2018 connection with eviction of the fifth respondent from unlawful possession of temple land situated at Krishnagiri District and Taluk in Survey Nos.693A and 694B, extent of 4400 sq.ft. Meanwhile, a common order came to be passed in W.P.No.32697 of 2018 and W.P.Nos.22269 and 26806 of 2019 and the petitions were disposed by an order dated 10.01.2020, with the following observations:

"4. At any rate, quietus can be given to the entire issues raised by the petitioners herein, since the temple authorities, on instructions has stated by Mr.M.Karthikeyan, learned Special Government Pleader for HR & CE., Department, had issued notice inviting tenders



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for ten shops and it is stated that the said notice for a period of participating the tender from 10.01.2020 till 21.01.2020 and that the tenders would be opened on 22.01.2020. This stand taken by the temple authorities has also satisfied the learned counsel Ms.K.Vasuki in W.P.No.32697 of 2018, who is stated that as a devotee, the petitioner Shivakumar was interested in getting additional revenue to the temple for the lands leased out. It must certainly let in the lands on tender basis and inviting bidders and therefore, following such procedure would get an optimum rent for the leased out shops.

5. Therefore, all the three writ petitions stands disposed of with the observation that the temple authorities of Arulmigu Karagachamundi Amman Vagaira Thirukoilgal at Krishnagiri District, may proceed with the auction in accordance with the rules and in accordance with the terms in the tender and give a quietus to the entire issue. No orders are required in all the three writ petitions. The petitioner, K.N.Zenith Natarajan, in W.P.Nos.22269 and 26806 of 2019 is also permitted to participating in the auction. Any individual who satisfy the terms of the auction including the petitioner, M.Shivakumar in W.P.No.32697 of 2018 may also participate in the auction. Consequently, connected Writ Miscellaneous Petitions are closed. No order as to costs."

Both the parties confirmed that the above order has not been appealed against.

5. Under these circumstances, this writ petition is disposed of by directing the official respondents/respondents 1 to 4, to take necessary steps to auction the lease of the disputed property for the ensuing period as expeditiously as possible. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar



1. The Secretary to Government,  
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4. The Deputy Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Dharmapuri.

+1cc to Mr.S.Subramanian, Advocate SR.No.33355

+1cc to Government Pleader SR.No.34137

W.P.No.16132 of 2021  
and  
W.M.P.No.17060 of 2021

JPL (CO)  
GMY (22/06/2022)