



W.P.No.32929 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.32929 of 2022

&

W.M.P.Nos.32322,32324,32326 of 2022

P.Muthukumar

...Petitioner

Vs.

- 1.The Commissioner
Hindu Religious And Charitable Endowments Trust
Chennai.
- 2 The Joint Commissioner
Hindu Religious And Charitable Endowments Trust
Salem.
- 3 The Assistant Commissioner
Hindu Religious And Charitable Endowments Trust
Sankari Taluk Salem District.
- 4 The Inspector
Hindu Religious And Charitable Endowments Trust
Sankari Taluk Salem District.
- 5 The Executive Officer
Hindu Religious And Charitable Endowments Trust
Kadaiyampatti Village Sankari Taluk
Salem District.
- 6 Sembulingam
Hereditary Trustee A/m Periya Pachiamman



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Mannatha Swamy Temple Kasturipatti Post
Sankari Taluk Salem District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned public auction notice dated 21.11.2022 issued by 5th respondent in respect of agricultural property in Survey No 126 an extent of 3.88.09 hectares situated in Kasturipatti Village Sankari RS Sankari Taluk Salem District and quash the same and consequently direct the 5th respondent to permit the petitioner to do cultivate of lands in Survey No. 126 an extent of 3.88.09 hectares situated in Kasturipatti Village Sankari RS Sankari Taluk Salem District based on the petitioner representation dated 01.12.2022.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.M.Bindran, AGP (HR&CE)

ORDER

Writ petition is filed seeking to call for the records relating to the impugned public auction notice dated 21.11.2022 issued by 5th respondent in respect of agricultural property in Survey No 126 an extent of 3.88.09 hectares situated in Kasturipatti Village Sankari RS Sankari Taluk Salem District and quash the same and consequently direct the 5th respondent to permit the petitioner to do cultivate of lands in Survey No. 126 an extent of 3.88.09 hectares situated in Kasturipatti Village Sankari RS Sankari Taluk



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Salem District based on the petitioner representation dated 01.12.2022.

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2. It is the case of the petitioner that he is an agriculturist and is cultivating in an extent of 3.88.09 hectares in Kasturipatti Village belongs to Arulmigu Periya Pachiamaan Mannatha Swamy temple. Such property was leased out to him by a lease agreement dated 20.10.2020 for a period of 11 months. Thereafter, the same was renewed on 14.07.2022. In the meanwhile the 5th respondent affixed a public auction notice dated 21.11.2022 in the temple premises. According to him he had invested all the money for growing the paddy crops. Without giving any notice to the petitioner action initiated by the 5th respondent would deprive the petitioner and his family livelihood. Hence, the Writ Petition.

3. Learned counsel appearing for the petitioner would submit that petitioner is a tenant under the 5th respondent and the tenancy has been renewed and there are documents to show lease agreements.

4. Learned Additional Government Pleader appearing for the respondents would submit that very documents are created only for the



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purpose of stalling the auction and the auction being schedule today and the petitioner can very well participate in the auction.

5. I have perused the entire materials.

6. The petitioner though claims to be the tenant under the 5th respondent the petitioner being a native of the Salem and the land is also situated in Salem there is no need for him to go all the way to Thuraiyur to buy the stamp paper dated 20.10.2020 and further endorsement in the stamp paper is also typed. Thereafter, some receipts appears to have been obtained from the 5th respondent. Thereafter, on 14.07.2022 another lease was executed and bare look of both the lease deeds it appears that the same was signed by the same persons in the same ink and same witnesses also attested. It clearly makes it that this is created only for the purpose of stalling the auction.

7. In such view of the matter, the Writ Petition is dismissed. It is well open to the petitioner to participate in the auction. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are



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kpr
Internet: Yes
Speaking/non-speaking order

To

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N. SATHISH KUMAR, J.

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