



W.P(MD)No.24598 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.24598 of 2022

and

W.M.P(MD).No.18670 of 2022

Jeyaprakash,

: Petitioner

Vs

1. The Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Board,
Santhome,
Chennai.

2. The Joint Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Board,
K.K. Nagar,
Madurai.

3. The Assistant Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Board,
K.K. Nagar,
Madurai.



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4. Sri Poolananthesswarar Temple,
Through its Executive Officer,
Chinnamannur, Uthamapalayam Taluk,
Theni District.

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other writ or direction in the nature of writ, calling for the records relating to the impugned auction notice dated 17.10.2022, issued by the 4th respondent, served on the petitioner on 26.10.2022 for conducting the auction on 31.10.2022 relates to the vacant site of measuring 1331 sq.ft in T.S.No.62, in S.No.590/1A1A in Ward No.11, New No.6 of Chinnamanur and quash the same as it is illegal and in consequence to direct her to issue a fresh auction notice with regard to the site measuring 340 sq.ft by giving wide publication and following the procedures under the Tamil Nadu Transparency in Tender Act and Rules.

For Petitioner	: Mr.R.Suriyanarayanan
For R1 to R3	: Mr.P.Subbaraj Special Government Pleader
For R4	: Mr.C.Guhaseela Ruban



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ORDER

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This writ petition has been filed seeking to quash the impugned auction notice dated 17.10.2022, issued by the 4th respondent, served on the petitioner on 26.10.2022, for conducting the auction on 31.10.2022 and consequently to direct the respondent to issue a fresh auction notice.

2.The primary ground that was raised before this Court is that whenever the religious institution is conducting any lease or auction, they should follow the procedures prescribed under the Religious Institutions (Lease of Immovable Property) Rules, 1963. Under Rule 4 of the said Rules, it has been prescribed that the notice of auction shall be published atleast 15 days before the date fixed for auction by affixture.

3. The next ground that was raised is that the respondents have not followed Rule 4(2) of Religious Institutions (Lease of Immovable Property) Rules, 1963, whereby, it has directed the respondents to announce by beat or by publishing in the local newspaper in the language of the locality. The Learned Counsel submitted that since these two conditions are not complied



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with, the impugned notice is liable to be quashed.

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4. The learned Counsels appearing for the respondents submitted that the notice was issued as early as on 14.10.2022 and circulated along with a certificate directing the concerned authority to publish the notice and hence the date of notice ought to be taken as 14.10.2022.

5. Heard the learned counsel appearing on either side and perused the records.

6. The impugned notice states the date as 17.10.2022 and the auction would be conducted on 31.10.2022. However, this was disputed by the respondents stating that it was issued on 14.10.2022, but the date was wrongly mentioned in the notice as 17.10.2022. This plea cannot be accepted. There cannot be any error while issuing any notice. Therefore, it is clear that there is no 15 days period as prescribed in the Religious Institutions (Lease of Immovable Property) Rules, 1963.

7. Therefore this Court is inclined to interfere with the impugned notice



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and the same is set aside. The respondents are directed to issue fresh notice and conduct proceedings in accordance with law. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

lr

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