



WEB COPY



W.P.No.652 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.652 of 2023
and WMP.Nos.593 & 594 of 2023

Dhanasekaran

... Petitioner

Versus

1. The Commissioner,
HR & CE, Administration Department,
Uthama Gandhi Road,
Nungambakkam, Chennai.

2. The Joint Commissioner,
HR & CE Administration Department,
Salem.

3. The Assistant Commissioner,
HR & CE Administration Department,
Dharmapuri District.

4. The Inspector/Thakkar,
HR & CE Administration Department,
Palacode, Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus, Call for the records of



W.P.No.652 of 2022

4th respondents Public Auction Notice dated 21.12.2022 and quash the same as illegal arbitrary and non- est in laws and also forbear the respondents from interfering in the Petitioners peaceful possession and enjoyment of the Property in S.No.106/2 and 106/6 measuring an extent of 4.67 Acres or 1.89.00 Hectare situated at poondhampatti Village, Palacode taluk and Dharmapuri District.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.P.Rajendran, AGP RR1 to 4

ORDER

This writ petition has been filed challenging the public auction notice issued by the respondents.

2. It is the case of the writ petitioner that he is the priest of Arulmigu Sree Perumal Swamy Temple situated at Poondhampatti Village, Palacode Taluk, Dharmapuri District. The said temple is comprised in S.Nos.106/2 & 106/6. The above said property was allotted to the ancestors of the petitioner. Till date, the petitioner is in possession and enjoyment of the property. All of a sudden, the 4th respondent has issued a public auction notice dated 21.12.2022 for lease period from 06.01.2023 to 30.06.2025 for the temple property and the auction is fixed



W.P.No.652 of 2022

on 05.01.2023. Challenging the said notice, the petitioner has filed the present writ petition.

3. The learned Additional Government Pleader submitted that admittedly the property is a temple property, which was encroached by several persons, including the petitioner. Therefore, the authorities have taken steps to regulate the temple property and decided to conduct public auction and the auction is scheduled to be conducted today i.e. 10.01.2023.

4. Much emphasis has been made by the petitioner to show that the property was originally given in favour of the petitioner's grandfather. It is relevant to note that admittedly, the property is a Devadanam property. On a perusal of the documents filed in support of this petition, it is seen that though the patta proceedings initiated, the facts remain that the property is shown as Devadanam Property. Even after such proceedings, it is seen that the petitioner was not properly cultivating the property and he has obtained Fasli receipt only from the year 2013.



W.P.No.652 of 2022

WEB COPY

5. Admittedly, the property is a temple property and therefore, auction cannot be stalled. This Court finds no merit in the writ petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2023

ri

To

1. The Commissioner,
HR & CE, Administration Department,
Uthama Gandhi Road,
Nungambakkam, Chennai.

2. The Joint Commissioner,
HR & CE Administration Department,
Salem.

3. The Assistant Commissioner,
HR & CE Administration Department,
Dharmapuri District.

4. The Inspector/Thakkar,
HR & CE Administration Department,
Palacode, Dharmapuri District.



WEB COPY



W.P.No.652 of 2022

N.SATHISH KUMAR, J.

rli

W.P.No.652 of 2023
and WMP.Nos.593 & 594 of 2023

10.01.2023