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W.P.Nos.959, 961 & 964 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.959, 961 & 964 of 2020
and
WMP.Nos.1170, 1172 & 1175 of 2020

M.Satishkumar	...Petitioner in W.P.No.959 of 2020
Suresh	...Petitioner in W.P.No.961 of 2020
J.Janbasha	...Petitioner in W.P.No.964 of 2020

Vs.

1. The Principal Secretary to Government,
Tamil Culture and Religious Endowment Department,
Fort St. George, Chennai – 600 009.
 2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai – 600 034.
 3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem - 636 001.
 4. Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dharmapuri - 636 701.
 5. Fit Person / Executive Officer,
A/m. Karaga Samundiamman Temple,
Krishnagiri - 635 001.
- ...Respondents in all W.P's
- Common Prayer:** Petitions filed under Article 226 of the Constitution of



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India to issue a Writ of Certiorari calling for the records relating to the re-public auction/tender notice issued by the fifth respondent and published in the Salem Edition of the Daily Thanthi News Paper on 08.01.2020, in so far as the petitioners are concerned, and to quash the same.

In all W.P's.:

For Petitioners : Ms.G.Sumitra

For Respondents : Mr.K.Karthikeyan, GA (HR &CE)

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. These Writ petitions have been filed seeking quashment of the re-public auction/tender notice issued by the 5th respondent dated 08.01.2020, in so far as the petitioners herein are concerned.

3. The case of the petitioners is that, the petitioners are in occupation of the land owned by the 4th respondent temple comprised in S.No.11/7, situated at Chennai Salai, Krishnagiri and are running their own business for the past several years. While so, upon receipt of the notice of the 5th



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respondent dated 11.04.2014, followed by the show cause notice dated 05.10.2014 issued by the 3rd respondent, the petitioners came to know that, the 5th respondent temple comes under the control of the HR & CE Department and the subject land which the petitioners are in possession belongs to the 5th respondent. Upon receipt of the said show cause notice, the petitioners sent their replies, however, without considering the same, the 3rd respondent passed an order dated 30.11.2016, holding that, the petitioners are encroachers and directed to surrender the vacant possession of the subject land. Aggrieved by the above said order, the petitioners and other occupants filed Revision petitions before the 2nd respondent and all the revision petitions were heard jointly and a common order dated 03.07.2017 came to be passed, fixing rent as per Section 34A of the Tamilnadu H.R. & C.E. Act. Aggrieved by the same, the petitioners and other occupants filed Writ petitions and this Court granted permission to the petitioners and other occupants to file appropriate revision on condition that, the petitioners and other occupants pay 50% of the total demand, including the arrears. While so, demand notices were came to be issued directing the petitioners and other occupants to pay the amount as per the order dated 03.07.2017. Pursuant to the orders of this Court, the petitioners and other occupants paid



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the arrears of rent to the 5th respondent and preferred Revision petitions under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act before the 1st respondent and the same is pending. In such circumstances, the 5th respondent issued a public notice by way of publication in local new paper on 08.01.2020, calling for public auction cum tender in respect of various extents of subject land comprised in S.No.11/7, belonging to the temple. Challenging the same, the petitioners have come up with these Writ petitions.

4. Though very many grounds have been raised, the learned counsel for the petitioners submitted that, the order of the 3rd respondent dated 30.11.2016 holding that, the petitioners are encroachers and directing to surrender the vacant possession of the subject land was challenged by the petitioners and other occupants before the 2nd respondent, who in turn passed an order dated 03.07.2017, fixing rent as per Section 34A of the above said Act. Aggrieved by the same, the petitioners have filed revision petitions before the 1st respondent herein, who in turn heard the parties and reserved for orders. Hence, she submitted that, it would suffice if this Court grants liberty to the petitioners to workout the remedy in the manner know



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to law, if they are aggrieved by the orders to be passed by the 1st respondent in the respective revision petitions.

5. In view of the above submission made by the learned counsel for the petitioners, this Court is of the view that no further adjudication is necessary in these Writ petitions. However, the petitioners are at liberty to workout their remedy in the manner known to law, if so aggrieved by the orders to be passed by the 1st respondent in the respective revision petitions.

6. Accordingly, these Writ Petitions stand closed. No costs. Consequently, connected Miscellaneous petitions are closed.

07.06.2023
(1/3)

skt

NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No



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WMP.Nos.1168, 1171 & 1173 of
2020
in
W.P.Nos.959, 961 & 964 of 2020

M.DHANDAPANI., J.

Dispense with ordered for the
present.

07.06.2023
(2/3)

skt