



W.P.No.3076 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.3076 of 2023
and W.M.P.Nos.3153 & 3155 of 2023

K.Kanagaraj

.. Petitioner

Versus

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Coimbatore – 641 018.

3.The Inspector,
Hindu Religious and Charitable Endowments
Department,
Mettupalayam – 641 014.

4.The Executive Officer,
“Pillathi Arulmighu Periya Mariyamman Thirukoil”
Pettathi Village, Karamadai Taluk,
Coimbatore District – 641 014.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to quash the tender notice dated 20.01.2023 issued by the 3rd respondent except due process of law.

For Petitioner : Mr.R.Venkatesh

For Respondents

R1 to R4 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

This writ petition has been filed to quash the tender notice dated 20.01.2023 issued by the 3rd respondent except due process of law.

2. When the Court is about to dismiss the writ petition and finding that the writ petition is nothing but clear abuse of process of law, the learned counsel for the petitioner seeks permission of this Court to withdraw the present writ petition.

3. This Court has reason to hold that this is a clear case of abuse of process of law for the following reasons that when the earlier auction, the tender notice was issued on 07.11.2022 and the said auction was challenged by the same petitioner and subsequently, the writ petition was withdrawn.



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Thereafter, another writ petition in W.P.No.637 of 2023 has been filed claiming right over the property as if he is the owner of the property.

4. This Court, vide a detailed discussion in the writ petition, directed the respondents to issue fresh tender notice by following the relevant Rules namely the Religious Institutions (Lease of Immovable Property) Rules, 1963. Previously the tender notice has been non-suited only on the ground that 15 days time has not been granted. Now, the present writ petition has been filed challenging the time limit and there is no proper publicity. The petitioner has been repeatedly filing writ petitions. He is not a stranger to the property, he is already squatting over the property. Once the tender notice has been affixed in the notice board of the Panchayat Office, the petitioner is very much aware of it. Therefore, the contention of the petitioner that there is a violation of Rules has no legs to stand. Accordingly, the writ petition stands dismissed.

5. At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw the present writ petition and he has also made an endorsement in the Court bundle.



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6. In such view of the above submission and the endorsement made by the learned counsel for the petitioner, the writ petition stands dismissed as withdrawn. Further, at request of the learned counsel for the petitioner, the cost has not been imposed. Consequently, connected miscellaneous petition is closed.

03.02.2023

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Index : Yes / No

Speaking Order : Yes / No

To

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N.SATHISH KUMAR, J.

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