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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12859 of 2023
and WMP Nos.12667, 12668 and 12669 of 2023

1. M.Saminathan
2. K.Subramaniyan
3. K.Kothandapani
4. T.Ramaraj
5. T.Krishnasamy
6. N.Bharathiraja
7. M.Manickam
8. K.Muralidharan
9. T.Ananthasubramanian
10. B.M.Appasamy
11. T.Aruljothivel
12. R.Balakrishnasamy
13. M.Sivakumar



14. V.Karnamaharajan

15. C.Sivasakthi

..Petitioners

vs.

1. The Assistant Commissioner,
Hindu Religious and Charitable Enowments
Administration Department,
Coimbatore.

2. Arulmigu Jakalamman Temple,
Arulmigu Chinnamuthaiyasami Temple,
Arulmigu Bommarayar Temple,
Rep. herein by its Fit person,
having office at Sri Aiyappaswamy Temple,
Pollachi

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to quash the auction notice dated 11.04.2023 made pursuant to Na.Ka.No.175/2023/A8 issued by the 1st respondent and quash the same insofar as it relates to the conduct of auction of the lands belonging to Jakkammal Chinnamuthiyasami & Boommarayar Temples, Koolanaickenpatti Village, Pollachi Taluk, Coimbatore.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

**ORDER**

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This writ petition was filed challenging the public auction notification issued by the Tamil Nadu Hindu Religious & Charitable Endowments Department.

2. When the writ petition came up for admission on 25.04.2023, this Court passed the following order :-

Mr.K.Karthikeyan, learned Government Advocate takes notice on behalf of respondents.

2. The writ petitioners are claiming to be the hereditary trustees / Pujaris of Aulmigu Chinnamuthaiyasami Temple, Arulmigu Bommarayar Temple, Koolanaickenpatti Village, Pollachi Taluk, Coimbatore District. The grievance of the petitioner is that a fit person has been appointed behind their back and the properties in which the petitioners are doing agricultural work are now sought to be brought under public auction. Aggrieved by the same, the public auction notification has been put to challenge.



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3. *The respondents are directed to file counter affidavit. In the meantime, the auction process shall go on and the finalization shall be kept in abeyance till 05.06.2023. The petitioners have not challenged the appointment of the fit person till date and it is pursuant to the appointment of the fit person, steps were taken to bring the properties for public auction to augment the income of the temple. When this was pointed out to the learned counsel for the petitioners, he submitted that he will take instructions and take appropriate action in this regard.*

4. *Post on 05.06.2023 under the caption “for orders”.*

3. When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of the respondents submitted that there were no bidders on the day of the auction and steps are being taken to call for fresh auction. It was further submitted that when the Executive officer went to the spot, he was threatened by the petitioners with dire consequences and hence, a police complaint has also been given in this regard. The learned Special Government Pleader therefore submitted that the



petitioners, if at all they have any right, will have to agitate the same only in the manner known to law and they cannot be permitted to take law into their own hands.

4. The learned counsel for the petitioner submitted that in view of the subsequent development, nothing survives in this writ petition. It is further submitted that independent steps are being taken by the petitioners to challenge the appointment of the fit person for the subject temple. The learned counsel for the petitioner further submitted that he does not have any instructions on the allegations that have been made against the petitioners and in any case, he will instruct the petitioners not to indulge in any such activities and that they will agitate their rights only in the manner known to law.

5. Recording the submissions made on either side, this writ petition stands closed. No costs. Consequently, the connected miscellaneous petitions are closed.



05.06.2023

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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To

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N. ANAND VENKATESH, J.

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