



WEB COPY



W.P.No.24255 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.08.202**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.24255 of 2023**  
**and W.M.P.No.23723 of 2023**

K.N.Zenith Natarajan

... Petitioner

VS.

1.The Commissioner

Hindu Religious & Charitable Endowments  
(Administration) Department  
Nungambakkam High Road  
Chennai – 600 034

2.The Fit Person/Executive Officer

Arulmigu Karagachamundi Amman Vagaira Thirukoil  
Chennai Salai  
Krishnagiri District

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from announcing and conducting any public auction with regard to the lease of the land in S.No.693-A and S.No.694-B in Chennai Salai, Krishnagiri Taluk, Krishnagiri District belonging to Arulmigu Karaga Chamundiamman Vagaira Thirukoil at Krishnagiri without enquiring into and disposing of petitioner's representation dated 21.11.2022 submitted to the 1<sup>st</sup> respondent seeking the extension of the present lease into a long term lease for the reasons set out in his representation and taking into account the facts and



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circumstances of the above case.

For Petitioner :No Appearance

For Respondents :Mr.S.Yashwanth  
Additional Government Pleader (HR & CE)

### **ORDER**

When the matter is taken up for hearing, there is no representation for the petitioner.

2. The writ petition is filed seeking to issue a Writ of Mandamus, forbearing the respondents from announcing and conducting any public auction with regard the land in S.Nos.693-A and 694-B in Chennai Salai, Krishnagiri Taluk, Krishnagiri District, which belongs to the 2<sup>nd</sup> respondent/Temple without considering the petitioner's representation dated 21.11.2022 seeking extension of the lease granted in favour of the petitioner.

3. The petitioner in the affidavit filed in support of this writ petition stated that he entered into lease arrangement with the 2<sup>nd</sup> respondent/Temple in respect of the above said land for a period of three years from 01.02.2012 to 31.01.2015. Even before expiry of the said lease period, the petitioner



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submitted a representation to the 2<sup>nd</sup> respondent dated 06.12.2014 seeking extension of lease period for a further period of three years from 01.02.2015. The petitioner received a communication from the 2<sup>nd</sup> respondent stating that the lease period would be extended only for a further period of two years that too if petitioner is agreed for enhanced rent. The said order was challenged by the petitioner in W.P.No.678 of 2015 and the said writ petition was disposed with direction to the petitioner to submit his objections to 2<sup>nd</sup> respondent.

4. Subsequently, the 2<sup>nd</sup> respondent passed an order rejecting the request of the petitioner to extend the lease, even without considering the objections submitted and therefore, again, the petitioner was constrained to file another writ petition in W.P.No.8262 of 2015. The said writ petition was dismissed mainly on the ground that the lease period was already expired.

5. In the meantime, one M.Sivakumar sent a representation dated 23.06.2018 to the Commissioner, HR and CE Department, requesting him to conduct public auction for lease of the Temple lands including the above



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said land and filed a writ petition in W.P.No.32697 of 2018 seeking direction to consider his representation. The said writ petition came to be disposed of by this Court on 10.01.2020 with an observation that the 2<sup>nd</sup> respondent/Temple can proceed with auction of the above said land in accordance with the rules and the petitioner therein was also permitted to participate in the auction.

6. Now, the 2<sup>nd</sup> respondent issued auction notice fixing the auction date as 25.08.2023. Therefore, the petitioner has come up with this writ petition seeking a direction to the respondents to stop the auction till consideration of his representation on merits.

7. In the earlier occasion, this Court while disposing of the writ petitions in W.P.Nos.32697 of 2018, 22269 and 26809 of 2019 dated 10.01.2020 permitted the 2<sup>nd</sup> respondent/Temple to proceed with auction and also permitted the petitioner to participate in the auction. Therefore, the request made by the petitioner that auction proceedings initiated by the 2<sup>nd</sup> respondent should be stalled till consideration of his representation for extension of the lease cannot be accepted. The lease in favour of the



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petitioner had expired long back. Therefore, the proceedings initiated by the 2<sup>nd</sup> respondent for conducting public auction to lease out the temple's property cannot be stalled.

8. Accordingly, the petitioner has not made out any case for issuing writ of Mandamus and the writ petition is dismissed. It is stated by the learned Additional Government Pleader for the respondents that open auction is fixed for 25.08.2023. The 2<sup>nd</sup> respondent is directed to conduct open auction on the said date and file a report before this Court on or before 01.09.2023. No costs. Consequently, the connected miscellaneous petition is closed.

9. List the matter for reporting compliance on 01.09.2023.

**18.08.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
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To



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**S.SOUNTHAR, J.**

dm

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Hindu Religious & Charitable Endowments  
(Administration) Department  
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