



W.P.No.34806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 34806 of 2022

and

WMP.No.34232 of 2022

Anusuya Devi.N.

.. Petitioner

Versus

1. The Commissioner,
HR and CE,
No.119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai- 600 034.

2. The Assistant Commissioner
HR and CE No.119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai- 600 034.

3. The Deputy Joint Commissioner,
HR and CE, No.119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai- 600 034.

4. The Executive Officer,
HR and CE,
Thiruvidanthai,
Chengalpattu-623 407.



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5. The Executive Officer,
Arulmigu Venbadi Vinayagar Vagayara Thirukovilgal,
Muttukadu, Thiruporur Taluka,
Chengalpattu District.

6. Aivar / Thakkar
Arulmigu Venbadi Vinayagar Vagayara Thirukovilgal,
Muttukadu, Thiruporur Taluka,
Chengalpattu District.

7. The Collector,
Chengalpattu District,
Chengalpattu-603 001.

8. The District Revenue Officer
Chengalpattu District,
Chengalpattu-603 001.

9. The Revenue Divisional officer,
Chengalpattu District,
Chengalpattu-603 001.

10. The Tahsildar
Thiruporur taluka office,
Thiruporur, chengalpattu-603 110

11. The Village Administrative officer,
Muttukadu village, Thiruporur taluka,
Chengalpattu District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari calling for the records of the Auction Notice in



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Na.Ka. No.Nil dated 06.12.2022 issued by the 5th and the 6th respondent
and quash the same.

For Petitioner : Mr.Srinath Sridevan
For M/s.Guru Dhananjay

For Respondents : Mr.N.R.R.Arun Natarajan,
SGP RR1 to 4 & 6 to 11
Mr.S.Surya
For M/s.A.S.Kailasam Association R5

ORDER

This writ petition has been filed challenging the auction notice of the respondents 5 & 6.

2. It is the case of the writ petitioner that the subject property in question is an ancestral property and a dispute arose between the legal heirs of one Narayana Rao, i.e. Petitioner, Nirmala and Madhava Rao, for which, a suit in C.S.No.730/2019 is pending before this Court. When the petitioner enquired on 20.12.2022 at the office of the 11th respondent, the petitioner was informed about the auction notice dated 06.12.2022 in respect of the subject properties. Subsequently, the petitioner made a representation on 21.12.2022 to the respondents 1 to 4 stating that the properties in question



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are all vacant lands and the petitioner and his family members are in possession and enjoyment of the properties for several decades. There is no response from the respondents and hence, the petitioner has filed the present petition challenging the auction notice issued by the 5th respondent.

3. The learned counsel for the petitioner submitted that the respondents 5 & 6 have not followed the rules contained in the HR & CE Rules and 15 days time has not properly given to the petitioner. The petitioner is also interested to participate in the auction.

4. The learned Special Government Pleader fairly submitted that 15 days time has not given in the Auction Notice and therefore, fresh notice will be issued giving 15 days time for Auction as per Rules.

5. Such view of the same, the impugned notice dated 06.12.2022 issued by the 5th and 6th respondents is set aside. The respondents 5 and 6 are directed to issue a fresh notice under Rule 4 of HR & CE Rules for conducting auction in respect of the subject properties.



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6. With the above observation, the writ petition is allowed. However,

liberty is granted to the petitioner to participate in the auction. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

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