



W.P.(MD) No.13777 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13777 of 2023

and

W.M.P(MD) No.11608 of 2023

M.Manojkumar

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Department,
Dindigul District.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Department,
Dindigul District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents from dispossessing the petitioner from the property comprised in Survey No.355, to an extent of 7.51 acres, Landakottai Village, Dindigul District, on the basis of the illegal public auction conducted on



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25.05.2023 in violation of “Religious Institutions (Lease of Immovable Property) Rules 1963 and in contravention to the provisions of Tamil Nadu Minor Inam Abolition Act 30/1963.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

By invoking the extraordinary jurisdiction of this Court, the petitioner has come forward with this petition seeking a mandamus forbearing the respondent from disposing him from the property measuring to an extent of 7.51 acres in Landakottai Village, Dindigul District, on the basis of the illegal public auction conducted on 25.05.2023 in violation of “Religious Institutions (Lease of Immovable Property) Rules, 1963 and in contravention to the provisions of Tamil Nadu Minor Inam Abolition Act 30/1963.



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2. The petitioner would submit that the temple in the name and style of Sri Nachiamman Temple, is situated in Survey No.602, Landakottai Village, Dindigul District. The property comprised in Survey No.355 is an Iruvaram minor inam land. The petitioner's case is that his great-grandfather Vaduga Nambi Reddiar was functioning as a trustee/poosari of this temple. That apart, he was in possession and enjoyment of an extent of 7.51 acres in survey No.355. During the enquiry initiated by the Settlement Tahsildar, Madurai, under Section 8(20)(ii) of the Madras Minor Inam Abolition Act 30/1963, it has been clearly stated that Vaduga Nambi Reddiar is rendering service to the temple functioning as a poosari. The petitioner would further submit that by order dated 03.07.1967, the Settlement Tahsildar had issued patta in the name of the temple, although the petitioner's great-grandfather was in possession and enjoyment of the property. He would submit that despite this order, the possession continued to be with his great-grandfather and thereafter, his grandfather, his father etc. He has further stated in the affidavit filed in support of the writ petition that intending to challenge the order passed by the Settlement Tahsildar, all of a sudden, the



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respondents have chosen to conduct the public action on 25.05.2023.

No prior publication has been issued and there is absolutely no widespread notice about the proposed auction. In fact, the villagers themselves were not aware about the said auction. The petitioner would submit that they have learnt that some third party has taken part in the auction and was declared as a successful bidder. Consequently, the respondents have been trying to interfere in the petitioner possession of the property, in which he and his predecessor in interest have been in possession for over since 1930. Therefore, the petitioner has come forward with the said writ petition.

3.Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents produced the register to show that the petitioner's father had participated in the auction. However, a perusal of this register clearly shows that the very proceedings for conducting the auction had commenced only on 25.05.2023, just five days before the auction and there is nothing to show that there has been a widespread publication. This auction is definitely not in the interest of the temple. Only if there



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is a widespread publication of the proposed auction, more parties would have opportunity to participate in the proceedings and the best bid can be selected. Therefore, the impugned auction has to necessarily be set aside.

4. Although the writ petition has been filed for a mandamus, taking into account the fact that the auction has not been conducted in keeping with the procedures, this Writ Petition is disposed of with the following directions:-

(i) The auction held on 25.05.2023 is set aside.

(ii) The respondents are directed to issue fresh auction notice following the Religious Institutions (Lease of Immovable Property) Rules. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp



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To

- 1.The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.
- 2.The District Registrar (Administration),
Office of the District Registrar,
Tiruchirappali.
- 3.The Sub Registrar Joint III,
Office of Sub Registrar Office Joint III,
Big Bazaar Street, Singarathope,
Devathanam, Tiruchirappali.



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P.T.ASHA, J.

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