



WP (MD) No.25013 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.25013 of 2023

and

WMP (MD) No.21208 of 2023

K.S.Chandra Mohana Kumar
Correspondent cum Principal,
Institute of Industrial Training,
Munchirai, Puthukadai Post,
Kanyakumari District,
Pin - 629 171.

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by the District Collector
of Kanyakumari @ Nagercoil,
Kanyakumari District.

2.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Tirunelveli.

3.The Joint Commissioner,
Incorporated and Unincorporated Devaswoms,
Sushindram, Kanyakumari District.

4.Tirumala Devaswom,
Munchirai, Puthukkadai Post,
Kanyakumari District,
Represented by its Sreekaryam

5.The Tahsildar,
Killiyoor Village,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing respondents 2 to 4 to forbear from interfering in anyway with the petitioner's peaceful possession and enjoyment of the property of 15 cents of land, trees and buildings in re-survey No.311/12 of Arudesam Village, Killiyoor Taluk, Kanyakumari District, through themselves, their subordinates, men, servants, agents and all others under them.

For petitioner : Mr.K.N.Thampi
For Respondents : Mr.R.Shankar Ganesh
Nos.3 and 4
For Respondent : Mr.P.Subburaj
Nos.1,2 and 5 Special Government Pleader

ORDER

When this writ petition is taken up for hearing, the learned Counsel on either submits that pursuant to earlier orders of this Court, the respondent temple has proposed to conduct auction on 29.12.2023 and a request has already been made to the Commissioner.

2.The learned Counsel for the petitioner by referring the condition No.4 of the auction notice submits that the respondent temple has imposed a condition that the petitioner is liable to pay the arrears.



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3. In reply, the learned Counsel for the respondent temple submits that such a condition is a usual condition and it does not mean the petitioner. If anybody is having arrears, they would collect the arrears and this is not a condition for participating in the auction.

4. The petitioner has produced the DD for a sum of Rs.50,000/- drawn in favour of the Executive Officer of the temple as required in the auction notice and as directed by this Court the petitioner has handed it over to the learned Counsel for the respondents 3 and 4. The respondents shall conduct the auction without any further delay.

5. Accordingly this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

15.12.2023

dsk



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To

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- 2.The Joint Commissioner,
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Charitable Endowments Department,
Tirunelveli.
- 3.The Joint Commissioner,
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- 4.The Tahsildar,
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B.PUGALENDHI, J.

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