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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32178 of 2016
and WMP.No.27913 of 2016 and 20803 of 2019

S.R.S.K.Srinivasa Iyengar's
Family Trust Estate (Public)
31/14A, Puthur Agraharam,
Trichy,
Rep. By its Managing Trustee,
R.Madhavan.

... Petitioner

Vs.

1. The Secretary,
Commercial Taxes Department,
Secretariat, Chennai-9.

2. The Commissioner
HR & CE Department,
Nungambakkam,
Chennai-34.

3. The Joint Commissioner,
HR & CE Department,
Trichy Town,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to sell the petitioner trust landed properties to an extent of A.C.2.55 cents situate in S.F.No.2/1-B Varaganeri Village, Trichy, Registration District and Taluk in Joint J & II Sub Registration District by Public auction as indicated by this Court



through an order dated 23.04.2001 made in W.P.No.17760/1999.

For Petitioner : Mr.S.Kanniah

For Respondents : Mr.NRR.Arun Natarajan, SGP, HR & CE

ORDER

The Writ Petition has been filed seeking a direction to the second respondent to sell the petitioner trust landed properties to an extent of A.C.2.55 cents situate in S.F.No.2/1-B Varaganeri Village, Trichy Registration District and Taluk in Joint I & II Sub Registration District by Public auction as indicated by this Court through an order dated 23.04.2001 made in W.P.No.17760/1999.

2. It is the grievance of the petitioner that the petitioner is a Trust that owns A.C.2.55 cents of Nanja lands situated at Varaganeri Villate in Trichy. The petitioner had filed OP.No.3 of 1990 before the Principal District Munsiff Court, Trichy under Section 34 of Indian Trusts Act, 1882 for sale of the aforesaid land. The HR & CE department objected to the proposed sale by filing CRP. No.601/1991 to the effect that their permission had to be obtained. Sanction was thereafter obtained from the Commissioner by order dated 19.04.1995. While this so, W.P.No.17760 of 1999 came to be filed by the petitioners who wish to implead themselves in this litigation, contending that the land should be sold to them and not by way of public auction. The said writ



petition was dismissed by this Court vide order dated 23.04.2001 rejecting the prayer of the petitioner that the land should be sold to them and specifically directing the Commissioner, HR & CE Department to sell the land by public auction. No steps have been taken by the HR & CE department for sale of the land by auction, despite specific direction of this Court issued as early as on 23.04.2001. Aggrieved against the inaction of the respondents, the petitioner has filed the present writ petition seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that the trust is unable to perform the activities because of the insufficient of the funds. For the inaction of the respondents to bring the trust properties for sale by way of public auction, is unjustified and this Court may interfere with.

4. On the other hand, the learned Government Counsel appearing on behalf of the official respondents submitted that the temple property cannot be sold by the third parties including the Government and the same was elaborately discussed by this Court in W.P.No.571/2015 dated 07.06.2021. Hence, the learned counsel prays that the writ petition filed by the petitioner cannot be maintainable and the same is liable to be dismissed.



5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents and perused the materials available on record.

6. The prayer sought for by the petitioner cannot be granted in view of the order passed in W.P.No.574 of 2015 dated 07.06.2021 by the Hon'ble Division Bench of this Court.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2024

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To

1. The Secretary,
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Secretariat, Chennai-9.

2. The Commissioner
HR & CE Department,
Nungambakkam,
Chennai-34.

3. The Joint Commissioner,
HR & CE Department,
Trichy Town,
Trichy.



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M.DHANDAPANI,J

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