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W.P.No.16776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16776 of 2024

K. Shanmugam

...Petitioner

Vs

The Deputy Director,
Hindu Religious and Charitable Endowment Department.,
Office of Assistant Commissioner
Namakkal District

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to give lease permission by investigation directly in person in Survey No.68/1, 68/3 with due respect, by considering the petitioner's representation dated 04.08.2023 and pass orders.

For Petitioner : M/s. Deepan Uday

For Respondent-1 : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ



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of Mandamus directing the respondent to give lease permission by investigation directly in person in Survey No.68/1, 68/3 with due respect, by considering the petitioner's representation dated 04.08.2023 and pass orders.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the property in Patta No.302 S.No.68/1,68/3 at Nanjai Edayar Village, Namakkal District is under the control of HR & CE Department. The petitioner's family is doing farming in the said lands for three generations as a lessee. While so, one Balasubramanian who is none other than the son of one V.E.Ladamani, trustee of the Karuppanaswamy Temple, Namakkal is objecting the petitioner from doing farming work. Hence, the petitioner has given a representation to the respondent on 04.08.2023. However, the same was not considered till date. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be



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suffice if this Court issues a direction to the respondent to consider petitioner's application dated 04.08.2023.and pass orders.

5. The learned Additional Government Pleader appearing for the respondent produced a letter of the Inspector, Hindu Religious and Charitable Endowment Department, Namakkal in Na.Ka.No.12/2024 dated 27.06.2024, wherein it has been stated that the hereditary trustee of the said temple by name V.Ladamani had passed away and no application has been received from any of the legal heirs of the said V.Ladamani claiming the post of hereditary trustee. Therefore, the temple administration had decided to conduct a open auction and the petitioner can also participate in the auction. However, the representation of the petitioner cannot be considered.

6. In view of the above facts and the submission made by the learned Additional Government Pleader and also going through the letter of the Inspector, Hindu Religious and Charitable Endowment Department, Namakkal in Na.Ka.No.12/2024 dated 27.06.2024, this Court grants liberty to the petitioner to participate in the auction to be



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held by the Hindu Religious and Charitable Endowment, Namakkal with regard to the lands belonging to Karuppanaswamy Temple, Namakkal .

The respondent is directed to permit the petitioner in the said auction.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

27.06.2024

Index:Yes/No
Speaking order/Non-speaking order
smn

To

The Deputy Director,
Hindu Religious and Charitable Endowment Department.,
Office of Assistant Commissioner
Namakkal District

V.BHAVANI SUBBAROYAN,J.



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