



WEB COPY



W.P.No.16677 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16677 of 2014

And

M.P.No.1 of 2014

K.Rangarajan

... Petitioner

Vs.

1.The Fit Person/ Executive Officer of
Kadu Hanumantharayaswamy Temple,
Dharapuram and now appointed as
Fit person in A/M Varadarajaperumal and
Kasi Varadarajaperumal Temple,
Chinnakampalayam, Dharmapuram Taluk,
Tirupur District.

2.The Assistant Commissioner,
HR & CE (Admn) Department,
Tirupur.

3.The Joint Commissioner,
HR & CE (Admn) Department,
Coimbatore.

4.The Commissioner,
HR & CE (Admn) Department,
Nungambakkam High Road,
Chennai – 600 034.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari, to call for the records relating to the



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proceedings dated 27.05.2014 of the first respondent and quash the same.

For Petitioner : Mr.P.Navaneethakrishnan
for M/s.G.Veerapathiran
For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari, to call for the records relating to the proceedings dated 27.05.2014 of the first respondent and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the hereditary trustee of Arulmighu Varadarajaperumal and Kasi Varadarajaperumal Temple situated at Chinnakampalayam, Dharapuram Taluk, Tirupur District. On 20.09.2012 the Joint Commissioner issued charge memo as per the provisions of Section 53(2) of Hindu Religious Endowment Act and the petitioner sent reply on 07.10.2012.

3.The learned counsel appearing for the petitioner further submitted that the first respondent issued auction notice on 07.12.2013 stating that the land comprised in Survey Nos.573/2,



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244/1, 244/3, 247/2, 248/2 is going to be auctioned, against which, the petitioner filed appeal in R.C.No.2218 of 2014 before the Joint Commissioner, HR & CE (Admn) Department, Coimbatore. The Commissioner admitted the appeal and listed the same for hearing on 21.02.2014 and subsequently it was adjourned indefinitely. However, the impugned auction notice for leasing out the lands in S.No.573/2 in Chinnakampalayam, Dharapuram Taluk and S.Nos.244/1, 244/3, 247/2, 248/2 in Chellampalayam, Dharapuram Taluk totally measuring an extent of 17.85.0 hectares was issued, which is not sustainable one.

4.The learned counsel appearing for the petitioner further submitted that unless the appeal filed by the petitioner is decided by the Commissioner in the manner known to law, the first respondent has no power to issue the auction notice. The learned counsel further submitted that this Court vide order dated 26.06.2014, made clear that the auction may go on but the respondents are directed not to finalize the auction proceedings until further orders.

5.The learned Government Advocate (HR & CE) submitted that the petitioner was placed under suspension vide proceedings of the



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Joint Commissioner, Coimbatore dated 29.11.2012 and the Executive Officer of Arulmigu Kadu Hanumandaraya Swamy Temple was appointed as fit person. Thereafter the first respondent issued the impugned auction notice for leasing out the lands in S.No.573/2 in Chinnakampalayam, Dharapuram Taluk and S.Nos.244/1, 244/3, 247/2, 248/2 in Chellampalayam, Dharapuram Taluk totally measuring an extent of 17.85.0 hectares. He further submitted that even as per the HR & CE Act, the trustee have no power to participate in the auction and further submitted that the petitioner cannot enjoy the property and mere auction of the property will not cause any prejudice to the petitioner.

6.Considering the fact that the auction proceedings are already over, nothing survives for adjudication in this writ petition. Hence, the writ petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law with regard to the trusteeship rights of the Temple. No costs. Consequently, the connected miscellaneous petition is closed.

06.08.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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