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CMP No.17532 of 2024

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in
WA SR No.105571 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
and
P.B. BALAJI, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This application is filed seeking leave to challenge the order passed in WP No.27646 of 2021 dated 01.02.2022.

2. The petitioner herein, Crusher Owners Federation Hosur, was not a party to WP No.27646 of 2021. The writ petition was filed seeking a direction against the official respondents to secure and safeguard the temple properties mentioned therein, by considering the petitioner's representations. The said writ petition was disposed of on 01.02.2022 by issuing a slew of directions to the official respondents.

3. Paragraph No.17 of the order of learned Single Judge is usefully extracted hereunder.

"17. In view of the facts and circumstances considered in the aforementioned paragraphs, this Court is



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inclined to pass the following orders:

(i) The District Collector, Krishnagiri, is directed to convene a review meeting during the first week of March 2022 in the presence of all concerned Government Department Officials and consider the progress made in the matter of dealing with the illegalities, fraudulent activities, illegal mining etc., allegedly going on in respect of temple properties and the actions already initiated for the purpose of recovery of temple properties and to recover the financial losses caused to the temple.

(ii) The respondents 5 to 16 are directed to initiate swift actions to prevent all the illegal mining operations and consequential illegalities in respect of temple properties and further initiate all necessary actions, including criminal prosecution and civil actions for recovery against all concerned. The actions are to be initiated to cancel the illegal execution of documents or otherwise, if any brought to the notice.

(iii) The respondents 5 to 16 are directed to conduct enquiry wherever necessary in respect of the collusion or corrupt practices of the public officials in dealing with temple properties and initiate all appropriate actions



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under Criminal Law and departmental disciplinary proceedings as the case may be and proceed with such cases as expeditiously as possible.

(iv) The respondents 1 to 16 are directed to initiate all necessary steps to prevent any further illegalities, fraudulent execution of documents etc., in respect of temple properties and appropriate guidelines, instructions and directions are to be issued to all the Subordinates as expeditiously as possible.

(v) The respondents 1, 2, 3 and 5 are directed to monitor the actions initiated by the respective Subordinate Officials of the concerned Departments and issue appropriate guidelines, instructions or directions wherever required as the case may be and initiate actions if there is any lapses, negligence or dereliction of duty on the part of the Subordinate Officials.

4. According to Mr.R.Shunmugasundaram, learned Senior Counsel appearing for the petitioner federation, the federation has no grievance against action being taken in respect of illegal mining in the temple properties. But the respondent authorities have, armed with



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the present order, initiated action against one and all, and even those who are quarrying or mining, after obtaining necessary permission from the Government, are targeted. Therefore, the petitioner federation has come up with this application seeking leave to file an appeal against the order in WP No.27646 of 2021.

5. We have heard the learned Senior Counsel for the petitioner. We have also perused the order passed by learned Single Judge.

6. Considering the submission made by the parties, we are of the view that the petitioner Federation, being a third party, has filed the present petition challenging the order of the Writ Court by contending that pursuant to the order of this Court, the respondents authorities have interfered with their mining operations in the quarrying site, due to which they are put to irreparable hardship. Hence, they have filed the present application seeking leave to file an appeal as against the order of the Writ Court.

7. A perusal of the order of the Writ Court would disclose that the respondents are directed to take action to prevent all the illegal



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mining operations and consequent illegalities in respect of temple properties. If at all any licencees/lessees being aggrieved by the action of the respondents, it is open to them to seek appropriate remedy before the authority concerned.

8. Moreover, it is also seen that the order of learned Singled Judge is dated 01.02.2022 and the petitioner has approached the Court belatedly after a delay of two years. In such circumstances, there is no ground to interfere with the order of the Writ Court.

9. We do not find any reason to grant leave to the petitioner federation to file an appeal against the order of learned Single Judge. This Petition stands dismissed and consequently, the W.A.SR. No.105571 of 2024 stands rejected.

(D.K.K., ACJ.) (P.B.B., J.)
12.08.2024

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