



W.P.No.24435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24435 of 2024

and

W.M.P.Nos.26720 & 26721 of 2024

1.K.Suresh

2.K.Gokulakrishnan

... Petitioners

Vs.

1.Joint Commissioner,

Hindu Religious & Charitable Endowment Department,
Coimbatore.

2.Thakkar/Executive Officer,

Arulmighu Venkatesa Perumal Thirukoil,
(office at Arulmighu Bhadrakaliamman Thirukoil),
Pollachi Taluk.

3.The Trustee,

Arulmighu Venkatesa Perumal Thirukoil,
Kariyanchettipalayam,
Anaimalai Taluk, Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records leading to pass the impugned auction notice said to be dated 10.07.2024, in V.R.No.607.2023/ S.M.Tho.A/Coimbatore for the alleged auction said to have been conducted on 29.07.2024 in respect of S.No.341,



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affixed in the temple premises only on 06.08.2024, by the 3rd respondent and quash the same and consequently forbearing the respondents from in any way dispossessing the petitioners from S.No.196, Kariyanchettipalayam, Pollachi in pursuant of the impugned auction said to have been conducted on 29.04.2024.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader [R1]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records leading to pass the impugned auction notice said to be dated 10.07.2024, in V.R.No.607.2023/S.M.Tho.A/Coimbatore for the alleged auction said to have been conducted on 29.07.2024 in respect of S.No.341, affixed in the temple premises only on 06.08.2024, by the 3rd respondent and quash the same and consequently forbearing the respondents from in any way dispossessing the petitioners from S.No.196, Kariyanchettipalayam, Pollachi in pursuant of the impugned auction said to have been conducted on 29.04.2024.

2. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader,



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accepts notice on behalf of the respondents 1. With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioners is that, they have leasehold right in S.F.No.196 at Kariyanchettipalayam Village, Pollachi and the 3rd respondent tried to interfere with the petitioners' property, thereby they have filed civil suits in O.S.Nos.286 and 287 of 2020 on the file of Subordinate Court, Pollachi. When the civil suits are pending, by way of impugned auction notice in V.R.No.607.2023/S.M.Tho.A/Coimbatore, dated 10.07.2024, the 3rd respondent brought the land in S.No.341 to an extent of 10 acres of land for public auction, however, they tried to interfere with the land in S.F.No.196. Aggrieved by the same, the petitioner has filed the present writ petition before this court.

4. Learned counsel for the petitioner submits that, in the impugned auction notice, the survey number itself was wrongly mentioned as S.No.341 and by issuing notice to conduct the auction in respect of S.No.341, the 3rd respondent cannot claim to have conducted the auction in respect of S.No.196, which itself vitiates the entire proceedings. He further



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submitted that the petitioners are not concerned with S.No.341, however, under the guise of issuing notice in respect of S.No.341, the 3rd respondent falsely claimed that they had conducted an auction in respect of S.No.196, which is wholly unsustainable. Further, he submitted that the petitioners are in possession of the entire extent of land in S.No.196, thereby, it is not open to the 3rd respondent to conduct an auction straight away, without resuming the lands in the manner known to law. Therefore, he seeks interference of this Court.

5. Per contra, learned Special Government Pleader appearing for the 1st respondent submitted that, as per the auction notice dated 10.07.2024, the auction was conducted on the particular day and the successful lessee is one K.Padmanaban, S/o.Kanagaraj and in respect of pasali 1434 to the tune of Rs.2,000/-, 1435 to the tune of Rs.2,300/-, 1436 to the tune of Rs.2,645/-, 1437 to the tune of Rs.3,042/- and 1438 to the tune of Rs.3,498/- and the auction was confirmed in his favour vide proceedings dated 30.07.2024 and the consequential proceedings was issued on 20.08.2024. Hence, the prayer sought for in this writ petition has become infructuous. If at all the petitioners have any grievance, they have to workout the remedy before the civil court, where the civil suits are pending. Accordingly, he prays for



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dismissal of the writ petition.

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6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 1st respondent and perused the materials available on record.

7. Admittedly, the 3rd respondent had issued the impugned auction notice dated 10.07.2024 for conducting public auction in respect of 10 acres of land in S.No.341 and as per the said impugned notice, the 3rd respondent has conducted auction and the successful lessee is one K.Padmanaban, S/o.Kanagaraj. Further, the auction was also confirmed in his favour vide proceedings dated 30.07.2024 and the consequential proceedings was issued on 20.08.2024. Hence, this court is of the view that the prayer sought for in this writ petition has become infructuous and this court is not inclined to interfere with the impugned auction notice dated 10.09.2024. If at all the petitioners have any grievance, they have to workout the remedy before the civil court, where the civil suits are pending. However, without doing so, filing the present writ petition is misconceived. Hence, this writ petition is liable to be dismissed.



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8. Accordingly, this Writ Petition is dismissed. However, if there is any interference in respect of S.F.No.196, the petitioners are at liberty to file I.A. before the civil court, where the civil suits filed by them are pending. No costs. Consequently, the connected writ miscellaneous petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tirupur.
- 2.The Thakkar/Executive Officer,
Arulmighu Venkatesa Perumal Thirukoil,
(office at Arulmighu Bhadrakaliamman Thirukoil),
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W.M.P.No.26719 of 2024
in
W.P.No.24435 of 2024

M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of single Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which, this order shall be applicable only to the first petitioner.

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21.08.2024
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