



WEB COPY



W.P. No.1027 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.1027 of 2017
and
W.M.P. No.1003 of 2017

K. Palanisamy

Versus

.... Petitioner

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Jail Road,
Coimbatore – 18.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruppur.

3. The Executive Officer,
Arulmigu Soleeswarar Swamy Thirukovil,
Moolanur,
Dharapuram Taluk,
Tiruppur District.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, forbearing the respondents from including the petitioner's enjoyment land situated in S. No.1963, Vellavavipudur Village, Dharapuram Taluk, Tiruppur District in the list of public auction proposed to be held as per auction notice dated 14.12.2016 issued by the 3rd respondent.



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For Petitioner
For Respondents

: Mr. C. Prakasam
: Mr.N.R.R. Arun Natarajan,
Spl. Govt. Pleader (HR & CE)
for R1 and R2
Mr. S. Surya
for
M/s.A.S.Kailasam & Associates
for R3.

ORDER

This writ petition has been filed for Mandamus seeking for a direction to the respondents from including the petitioner's enjoyment land situated in S. No.1963, Vellavavipudur Village, Dharapuram Taluk, Tiruppur District in the list of public auction proposed to be held as per auction notice dated 14.12.2016 issued by the 3rd respondent.

2. It is stated that the petitioner is an agriculturist and cultivating agricultural crops in his land. While so, the 1st respondent passed an order u/s.78 of Hindu Religious and Charitable Endowment Act stating that the petitioner is an encroacher and as such, put efforts to evict him. It is the main grievance that in the aforesaid order, the Survey Number was mentioned as 1984, whereas the petitioner was in enjoyment and possession of the land situated in S. No.1963 and 1959, Vellavavipudur Village, Dharapuram Taluk, Tiruppur District. Later, he came to know that on 05.01.2017, the 3rd respondent conducted a public auction in respect of several lands including S. No.1963, which belongs to the petitioner. As the



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said auction would cause irreparable loss and hardship, the petitioner has filed this writ petition with the aforesaid prayer.

3. When the matter is taken up for hearing, learned Special Government Pleader (HR & CE) submitted that the issue raised in this writ petition is already covered by the order passed by this Court in W.P. Nos.15123 of 2016 etc., batch, vide order dated 14.07.2021, in and by which this Court had dismissed all the writ petitions therein, as the possession of the said lands were already taken over by the respondents in the year 2016 itself. In view of the above, he prays before this Court for issuance of similar orders.

4. Recording the submission made by the learned Special Government Pleader (HR & CE), as the present petition being squarely covered by the decision of this Court in W.P. No.15123 of 2016, etc., no further adjudication is required in this writ petition. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

02.09.2024

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



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M.DHANDAPANI, J.

vsi2

To

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