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W.P.Nos.26299 and 31356 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 12.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.Nos.26299 and 31356 of 2024**

**and**

**W.M.P.Nos.28725, 34033, 34034 and 35222 of 2024**

Rajasekar

... Petitioner (in both WPs)

vs.

- 1.The Commissioner  
Hindu Religious and Endowment Board,  
Chennai.
- 2.Joint Commissioner,  
Hindu, Religious and Endowment Board,  
Gandhi Nagar 5<sup>th</sup> Street, Tiruvannamalai.
- 3.Assistant Commissioner,  
Hindu, Religious and Endowment Board,  
Oyya madam, Tiruvannamalai.
- 4.The Inspector,  
Hindu, religious and endowment board,  
Tiruvannamalai
- 5.Sri Muthalamman Arakattalai (Reg. No. 59/2002)  
duly represented by its Trustee  
50/15, Tiruvannamalai.



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6.S.Kumar

... Respondents (in both WPs)

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*(R6-Impleaded as per order dated 29.10.2024 in W.M.P.Nos.35210 and 35214/2024 and W.P.Nos.26299 and 31356/2024)*

**PRAYER in W.P.No.26299 of 2024:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned auction notice Ve. Aa. No. 89 / 2024 / Ch. Ma. Tho A/ T.Malai dated 21.08.2024 and later published in the Dinamalar (Vellore) dated 22.08.2024 and later and its connected orders if any on the file of the 3<sup>rd</sup> and 4<sup>th</sup> Respondents herein and to Quash the same and Consequently direct the respondents 1 and 2 to consider the representation of the petitioner herein dated 03.11.2023 and 08.11.2023, considering all the payments made by the petitioner till now.

**PRAYER in W.P.No.31356 of 2024:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 12.06.2023 on the file of the 4<sup>th</sup> Respondent herein and to Quash the same and to direct the respondents 2 and 5 to de-seal the tenancy premises 286/C, Vetta Velam Road measuring about 0.58 cents is partly comprised in S.No.97/3 (0.20.0 Ars) and 97/14 (0.03.5 Ars), Enthal Village, Tiruvannamalai Taluk.

For Petitioner : Mrs.AL.Gandhi Mathi  
Senior Counsel  
for M/s.S.D.Ramalingam (in both WPs)



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For R1 to R4 : Mr.K.Karthikeyan  
Government Advocate (HR & CE)  
(in both WPs)

For R5 : Unserved (in both WPs)

### **COMMON ORDER**

The Writ Petition in W.P.No.26299 of 2024 is filed challenging the impugned auction notice in Ve. Aa. No. 89/2024/Ch.Ma.Tho.A/T.Malai, dated 21.08.2024 issued by the 5<sup>th</sup> respondent for lease of the property of the Temple situated in Survey Nos.97/14 and 97/3 in Kilnathur Village, Vetta Velam Road, Tiruvannamalai Taluk and District.

2. The Writ Petition in W.P.No.31356 of 2024 is filed challenging the notice issued by the 4<sup>th</sup> respondent dated 12.06.2023 directing the petitioner to handover possession of the subject property.

3. It is the case of the petitioner that he is carrying on Timber and Sawmill business in the name and style of M/s.Kumar Vilas Timber Mart and M/s. Rajasekar Sawmill in the subject property. It is the case of the petitioner that property was let out to him under a registered Lease



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Agreement dated 14.09.2007 by the erstwhile Trustees of the 5<sup>th</sup> Respondent-Temple. The petitioner has been carrying on the Sawmill business by erecting a temporary superstructure. All of a sudden, the 4<sup>th</sup> respondent herein issued Impugned Notice dated 12.06.2023 in the name of the petitioner's father, directing him to handover possession of the temple property. Subsequently, without taking any steps to take possession of the subject property through process of law, the 5<sup>th</sup> respondent issued Impugned Tender Notice dated 21.08.2024 for leasing out the subject property for three Fasli Years 1434, 1435 and 1436. Aggrieved by the same, the petitioner has come before this Court.

4. At the time of admission, this Court was informed that the auction was fixed on 06.09.2024 at 10.00 a.m. Therefore, this Court permitted the petitioner to participate in the auction.

5. Now, the learned Government Advocate appearing for the respondents 1 to 4, on instructions, would submit that auction was conducted on 06.09.2024 and the petitioner's father-S.Kumar had become successful bidder in the said auction.



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6. The learned Senior Counsel appearing for the petitioner submits that the petitioner is running a Sawmill business with licence in his name. Therefore, the petitioner's name shall be entered as a lessee in the records of the 5<sup>th</sup> Respondent-Temple to enable the petitioner to renew for Sawmill. Therefore, the learned Senior Counsel submits that the petitioner is ready to submit a fresh representation before the 5<sup>th</sup> respondent seeking inclusion of petitioner's name also along with his father's name in the Lease Arrangement to be entered into between the 5<sup>th</sup> respondent and his father namely successful bidder.

7. In view of the undisputed fact that auction is already over and the petitioner's father namely 6<sup>th</sup> respondent has become highest bidder, the petitioner and the 5<sup>th</sup> respondent is directed to handover the possession of the subject property to the 6<sup>th</sup> respondent, within a period of one week from the date of receipt of copy of this order.

8. The petitioner is also permitted to submit a representation before the 2<sup>nd</sup> respondent seeking inclusion of his name along with name of the 6<sup>th</sup>



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respondent in the Lease Arrangement to be entered into between the Highest Bidder and Temple. The said representation submitted by the petitioner shall be considered by the 2<sup>nd</sup> respondent and final orders shall be passed on its own merits and in accordance with law, within a period of four weeks from the date of receipt of such representation.

9. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

**12.11.2024**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
dm



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To

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**S.SOUNTHAR, J.**

dm

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