



WEB COPY



W.P. No.28585 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.28585 of 2019

Murugan

... Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Dharmapuri.
2. The Commissioner,
Hindu Religious & Charitable Endowment,
119, Nungambakkam Road,
Chennai.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Nember Mohamed Ali Club Road,
Dharmapuri – 636 701.
4. The Additional Commissioner,
Hindu Religious & Charitable Endowment,
Kottai Mariyamman Koil Campus,
Backside of Old Bus Stand,
Salem – 636 001.
5. The Inspector,
Hindu Religious & Charitable Endowment,
Palacode Town,
Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for

<https://www.mhc.tn.gov.in/judis>



W.P. No.28585 of 2019

issuance of a Writ of mandamus forbearing the respondents, their men and agents from conducting public auction of land in S.No.220/1, S.No.220/2, Ettiyanoor Village Karimangalam Taluk, Dharmapuri District based on the petitioner's representation dated 13.09.2019.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.S.Ravichandran RR2 to R5
Mr.L.S.M.Hasan Fizal, AGP for R1

ORDER

The petitioner has come forward with this writ petition praying to forbear the respondents from conducting public auction of land in S.No.220/1 and 2 in Ettiyanoor Village, Karimangalam Taluk, Dharmapuri District based on his representation dated 13.09.2019.

2. According to the petitioner, he is an agriculturist by profession.

It is stated that Arulmigu Sakiamman Seliyamman Temple owns large extent of land both Nanjai and Punjai in S.No.220/1 and 2. These lands are being used by poor agricultural families to do irrigation by which they receive marginal income. It is further stated that the petitioner and other agriculturists are paying kist and other taxes to the Government. Many of the villagers have constructed houses, obtained electricity service connection and residing thereon. Whiles, the respondents issued a public notice for



W.P. No.28585 of 2019

auctioning the above mentioned land for lease on yearly basis. Such an auction has been resorted to by the respondents without due regard to the utilization of the land by poor and marginal families to eke out their livelihood. Therefore, the petitioner has come forward with this writ petition.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 2 to 5 and the learned Additional Government Pleader appearing for the first respondent and perused the materials placed on record.

4. It is no doubt true that the petitioner has been carrying out agricultural operation in the lands for many years. Undoubtedly, the Hindu Religious and Charitable Endowments Department (in short 'HR & CE Department') is the owner of those lands. The HR & CE Department has decided to lease out those lands to get revenue and for this purpose public auction has been conducted which is questioned by the petitioner in this writ petition.

5. The auction is being conducted by the respondent to generate revenue to the temple which owned the land and it cannot be said to be



W.P. No.28585 of 2019

improper or unreasonable. Therefore, this Court is not inclined to issue a mandamus as prayed for by the petitioner or to forbear the respondents in any manner from conducting the public auction. However, the writ petition was filed in the year 2019 and by this time, auction would have been conducted by the respondents even at the time of admission of this writ petition, this Court has not granted any interim order forbearing the respondents from questioning the auction. Therefore, at this distant point of time, this Court cannot issue a mandamus as prayed for by the petitioner.

6. Accordingly, this writ petition is dismissed. No costs.

23.09.2024

RAP

Index : Yes / No

Speaking order : Yes / No



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