



W.P.(MD)No.1728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.1728 of 2024**

**and**

**W.M.P.(MD)Nos.1766, 1767 and 1769 of 2024**

Gnanasekaran

... Petitioner

versus

1. The Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Nungambakkam,  
Chennai.

2. The Joint Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Theni District,  
Theni.

3. The Executive Officer,  
Arulmigu Moonkilanai Kamatchiamman  
Temple,  
Devadanampatti,  
Periyakulam,  
Theni District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 02.01.2024 passed by the 3<sup>rd</sup> respondent and quash the same as illegal and consequently, direct the respondents to permit the petitioner to continue as cultivating tenant of the land situated in Survey No.1620 (3 acres out of 12 acres) by considering the petitioner's representation dated 10.01.2024.

For Petitioner : Mr.T.Palanisamy

For Respondents : Mr.P.Subba Raj,  
Special Government Pleader

### **ORDER**

This writ petition has been filed challenging the Notification dated 02.01.2024 issued by the 3<sup>rd</sup> respondent for public auction to be held on 30.01.2024.

2. The learned counsel appearing for the petitioner submits that earlier, the petitioner has filed a writ petition before this Court in W.P. (MD)No.30784 of 2023, directing the respondents to permit him to continue as a cultivating tenant in the land in Survey No.1620 by



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considering his representation dated 18.12.2023. This Court, by order dated 21.12.2023, has disposed of the writ petition with a direction to the temple authorities to consider the case of the petitioner sympathetically, if the petitioner is prepared to pay a fair rent for the subject land. But, the 3<sup>rd</sup> respondent, without considering the case of the petitioner, as directed by this Court in W.P.(MD)No.30784 of 2023, brought the land in Survey No.1620 for public auction, for which, the impugned Notification dated 02.01.2024 has been issued.

3. Mr.P.Subba Raj, learned Special Government Pleader, who takes notice for the respondents, submits that the temple authority is not aware of the order of this Court passed in W.P.(MD)No.30784 of 2023 dated 21.12.2023 and the said order was not communicated to the Temple. If the said order has been communicated to the Temple authority, they would have considered the case of the petitioner and take a decision within a period of four weeks.



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4. In view of the submissions made by the learned Special Government Pleader, this writ petition is disposed of with liberty to the petitioner to submit a fresh representation for fixation of fair rent along with a copy of the order dated 21.12.2023, passed in W.P.(MD)No. 30784 of 2023, to the 3<sup>rd</sup> respondent, within a period of one week from the date of receipt of a copy of this order. If any such representation is filed, the same shall be considered by the 3<sup>rd</sup> respondent within a period of six weeks from thereon. If the petitioner is not agreeable for the terms to be proposed by the 3<sup>rd</sup> respondent, it is always open to the 3<sup>rd</sup> respondent to proceed with the auction as per Rule 11 of the Religious Institutions (Lease of Immovable Property) Rules, 1963. No costs. Consequently, connected miscellaneous petitions are closed.

**30.01.2024**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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**B.PUGALENDHI, J.**

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**30.01.2024**