



W.P.(MD) Nos.12488 & 12489 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

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**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**W.P.(MD) Nos.12488 & 12489 of 2024**

and

**W.M.P.(MD) Nos.11133, 11135, 11137 & 11139 of 2024**

K.Paramasivan

... Petitioner in  
W.P.(MD) No.12488/2024

S.Kuthalingam

... Petitioner in  
W.P.(MD) No.12489/2024

Vs.

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

2.The Joint Commissioner,  
Hindu Religious Charitable  
and Endowment Department,  
Tenkasi District.

3.The Executive Officer,  
Arulmigu Kutralanathar Temple,  
Courtallam,  
Tenkasi District.

... Respondents in  
both W.Ps.



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Common Prayer: Writ Petitions filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned Auction Notification in Na.Ka.No.98/1433 dated 31.05.2024 on the file of the second respondent and the consequential orders in Na.Ka.No.98/2024-1 & Na.Ka.No.98/2024-2 dated 03.06.2024 on the file of the third respondent and quashing the same and further directing the respondents to consider and extend the time to vacate the shops for the period by considering the season.

For Petitioner  
in both W.Ps. : Mr.P.Edin Brough

For R1 & R2  
in both W.Ps. : Mr.P.T.Thiraviam  
Government Advocate

For R3  
in both W.Ps. : Mr.S.Manohar

### **COMMON ORDER**

These Writ Petitions are listed today in the additional list at the instance of the learned counsel for the petitioners.

2. Mr.P.T.Thiraviam, learned Government Advocate, takes notice for the first and second respondents and Mr.S.Manohar, learned counsel, takes notice for the third respondent. With their consent, at the time of the admission, these Writ Petitions are taken up for final disposal.



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3. In these Writ Petitions, the respective petitioners have challenged the impugned Auction Notification dated 31.05.2024 bearing reference Na.Ka.No.98/1433 issued by the second respondent and the consequential orders dated 03.06.2024 bearing reference Na.Ka.No.98/2024-1 & Na.Ka.No.98/2024-2 passed by the third respondent.

4. The petitioners had earlier filed Writ Petitions in W.P.(MD) Nos. 6080 and 6081 of 2024 before this Court challenging the Notices dated 21.02.2022 issued by second respondent pursuant to the orders dated 13.03.2020 passed by the first respondent dismissing Revision Petitions in R.P.Nos.197 & 198 of 2018 filed by the petitioners under Section 21 of the Hindu Religious and Charitable Endowment Act, 1959. In the said Revision Petitions, the petitioners have challenged the orders dated 11.10.2018 passed by the second respondent in M.P.Nos.2 & 18 of 2018 under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959. This Court by its order dated 27.03.2024 disposed of the said Writ Petitions with the following observations:-

*“4.This Court is not inclined to entertain these petitions. As per Rule 2 of the Religious Institutions (Lease of Immovable Property) Rules, 1963, the lease of immovable property and rights belonging to a*



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*religious institution shall be made by public auction. The intention of any institution would be to augment revenue through its properties. The petitioners, who obtained the shops in a public auction, cannot be allowed to continue to hold the property for years together, without conducting a public auction. It appears that by filing these writ petitions, the public auction for the subject shops have been halted for several years.*

*5.The third respondent shall brought the subject properties for public auction within a period of two months from the date of receipt of a copy of this order. Since the petitioners have now paid the arrears amount, they shall also be permitted to participate in the public auction, if so interested. The respondents shall conduct the public auction in a fair and transparent manner and shall ensure that the properties are auctioned for a reasonable amount. The petitioners shall vacate and hand over the subject properties to the third respondent one week before the date of conduct of auction. Till such time, they shall pay the rent without any default, failing which, they shall not be permitted to participate in the public auction.*

*Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”*

5. Pursuant to the aforesaid order of this Court, the impugned Auction Notification and the consequential orders were issued/passed by the second and third respondents respectively.



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6. In my view, there is no merits in these Writ Petitions as what the petitioners are seeking in these Writ Petitions is to dilute the order of this Court dated 27.03.2024 in W.P.(MD) Nos.6080 & 6081 of 2024. Either the petitioners have to file appeal before the Division Bench of this Court against the order dated 27.03.2024 passed by the learned Single Judge in W.P.(MD) Nos.6080 & 6081 of 2024, pursuant to which, the impugned auction is proposed to be held on 26.06.2024 or in the alternative, seek modification of the aforesaid order before the learned Single Judge who has passed the above order dated 27.03.2024 in W.P.(MD) Nos.6080 & 6081 of 2024.

7. Therefore, there shall be a temporary reprieve to the petitioners for a period of one week i.e., 19.06.2024. It is open for the petitioners to work out their remedy in the manner known to law.

8. In case the petitioners fail to secure any favourable order from the Courts, the respondents are at liberty to proceed against the petitioners in the manner known to law.



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WEB COPY 9. In the result, these Writ Petitions stand dismissed with the above liberty. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.06.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

Copy To:

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Hindu Religious Charitable and Endowment Department,  
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**C.SARAVANAN, J.**

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