



W.P.(MD) No.17784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17784 of 2024

and

W.M.P.(MD) Nos.15258, 15260 & 15261 of 2024

P.Sakthivel

... Petitioner

Vs.

1.The Joint Commissioner,
H.R. & C.E. Department,
Thiruvanaikaval,
Trichy District.

2.The Inspector of Police,
H.R. & C.E. Department,
Tha. Pettai Road,
Musiri Taluk,
Trichy District.

3.The Executive Officer,
H.R. & C.E. Department,
Near AWPS Musiri,
Sivan Kovil Street,
Musiri, Trichy District.

4.C.Boopathi,
Trustee of Arulmigu Mariyamman Temple,
Thaadhampatti,
Chittilarai Post,
Musiri Taluk, Trichy District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned auction notice issued by the fourth respondent and quash the same as illegal and arbitrary and further to direct the respondents to grant lease in favour of the petitioner in respect of the property in Survey No.276 measuring the extent of 1.50 Acres situated at Thathampatti Village, Chittilarai, Musiri Taluk, Trichy District.

For Petitioner : Mr.S.Shanmugam

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Mr.P.Subbaraj, the learned Special Government Pleader, takes notice for the first to third respondents.

2. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader for the first to third respondent, this case is taken up for final disposal.

3. In this Writ Petition, the petitioner has challenged the impugned Auction Notice issued by the fourth respondent, which proposes to hold an auction on 30.07.2024 (tomorrow) for several properties including the



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property in Survey No.276 measuring the extent of 1.50 Acres situated at Thathampatti Village, Chittilarai, Musiri Taluk, Trichy District.

4. It is noticed that the proposed auction is strictly in consonance with the provisions of the Religious Institutions (Lease of Immovable Property) Rules, 1963.

5. Although the submission of the learned counsel for the petitioner is that the petitioner is in possession of the subject property for more than 150 years, there are no records to substantiate that the petitioner is actually tenant of the fourth respondent. The other arguments of the learned counsel for the petitioner that the impugned auction is conducted without sufficient notice to the petitioner also cannot be countenanced.

6. In fact, if the petitioner is in possession of the subject property, they should have proceeded under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. It appears that the land in question is bare land which the fourth respondent temple is now attempting to lease out.



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7. If the petitioner wants to regularize the possession, the petitioner may participate in the auction that is proposed to be held tomorrow i.e., 30.07.2024. In case, the offer made by the petitioner is similar to the offer of the third person, the preference may be given to the petitioner.

8. It is open for the respondents to recover the lease amount from the petitioner for the occupation of the land.

9. In the result, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.07.2024

Index: Yes / No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Copy To:

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C.SARAVANAN, J.

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