



W.P.No.36628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.36628 of 2025

Samyappan

... Petitioner

Vs.

1.Commissioner,
Hindu Religious and Charitable Endowments Department,
Mahatma Gandhi Road,
Nungambakkam, Chennai – 600 034.

2.Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur Market Complex,
Tiruppur District – 641 604.

3.Executive Officer/Trustee,
Arulmigu Chenga Vinayagar Thirukovil,
Chengapalli, Uthukuli,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the official respondents to stop the public auction of lands in survey numbers 9 measuring 14.62-acre, survey No.15, measuring 7.36 acres, Survey No.41/1 measuring 6.27 acres in Chengapalli village, Uthukuli Taluk, Tiruppur District which is set to be held on 25.09.2025, till the disposal of appeal before



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the 1st respondent against the order of 2nd respondent in Palavagai Manu No.453/2024/A3 dated 09.07.2025.

For Petitioner : Mr.A.Lobamudra

For Respondents : Mr.K.Karthikeyan
Government Advocate

ORDER

This Writ Petition has been filed by the petitioner seeks a Writ of Mandamus, to direct the official respondents to stop the public auction of lands in survey numbers 9 measuring 14.62-acre, survey No.15, measuring 7.36 acres, Survey No.41/1 measuring 6.27 acres in Chengapalli Village, Uthukuli Taluk, Tiruppur District which is set to be held on 25.09.2025, till the disposal of appeal before the 1st respondent against the order of 2nd respondent in Palavagai Manu No.453/2024/A3 dated 09.07.2025.

2. Mr.K.Karthikeyan, learned Government Advocate, accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The lands in Survey Nos.9 measuring 14.62 acre, 15 measuring 7.36 acres and 41/1 measuring 6.27 acres in Chengapalli Village, Uthukuli Taluk, Tiruppur District, owned by the petitioner and others and they are in possession and enjoyment of the said lands. They are cultivating the said lands for more than 100 years and are regularly paying the taxes to the Government in their names. All of a sudden, the 3rd respondent made an application to the Assistant Commissioner, HR & CE Department stating that the said lands belong to Arulmigu Chenga Vinayagar Thirukovil, Chengapalli Village, Uthukuli, Tiruppur District and the petitioners and others are the encroachers of the said land. In that application, an enquiry was conducted by the 2nd respondent and due to miscommunication between the petitioner and his counsel, the petitioner and others were set exparte in the proceedings, thereby an eviction order was passed on 09.07.2025. Aggrieved by the same, an appeal has been preferred before the 1st respondent, however pending appeal, the petitioner and others are still in possession of the said property and they are cultivating the said property. Whiles, the respondents issued a notice for the public auction of the above said lands for cultivation and the same is going to be held on 25.09.2025. Hence, the petitioner has filed this writ petition before this Court for appropriate orders.



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4. The learned counsel appearing for the petitioner submits that the petitioner and others are the owners of the subject lands for more than 100 years and they purchased the properties by way of 50 sale deeds and by way of court auction and they are enjoying the same for more than 100 years. All of a sudden, proceedings u/s 78 of the Act was initiated against them and the same ended against the petitioner and others, against which, an appeal was filed before the 1st respondent. When the appeal proceedings are pending, the respondents issued a notice for public auction of the subject lands, which is wholly unsustainable. Accordingly, he prays for appropriate orders.

5. The learned Government Advocate appearing for the respondents submitted that the entire subject lands owned by Arulmigu Chenga Vinayagar Thirukovil, Chengapalli, Uthukuli, and no lease deed was granted in favour of anybody. The petitioner and others have been illegally occupying the subject lands without paying any rent to the temple. Such an illegal act was brought to the notice of the 2nd respondent by the 3rd respondent, thereby the 2nd respondent initiated proceedings u/s 78 of the Act against the petitioner and others and the same ended against



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them, vide order, dated 09.07.2025 and thereafter, 08.08.2025, the possession was taken by 3rd respondent. Thereafter, the respondents decided to conduct public auction for leasing out the property in favour of the successful bidder and in order to defeat the same, the petitioner has filed this writ petition, which is wholly unsustainable. Accordingly, he prays for dismissal of this writ petition.

6. Heard the learned counsel for the parties and also perused the materials available on record.

7. On one hand, the petitioner claims that he and others have purchased the subject lands by way of sale deeds and court auction, however on the other hand, he claims that they are the cultivating tenants under the temple. In order to prove any of his claim, he has not produced any document before this Court. Without any proof with regard to ownership of the subject land or the cultivating tenant under the temple, the inconsistent argument placed by the petitioner before this Court is impermissible and the same cannot be entertained by this Court and accordingly, the said argument is rejected.



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8. In the present case, already proceedings u/s 78 of the Act was initiated against the petitioner and others and the same ended against them and subsequently, the possession was also taken by the 3rd respondent. In such circumstances, the prayer sought for by the petitioner cannot be granted and this writ petition is liable to be dismissed.

9. Accordingly, this Writ Petition is dismissed. However, the respondents shall proceed with the public auction in the manner known to law. Further, liberty is granted to the petitioner to canvass all the points before the 1st respondent in the pending appeal and he is also at liberty to participate in the public auction. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To
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