



W.A.(MD)No.1813 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1813 of 2025
and
C.M.P.(MD)Nos.10278 and 10279 of 2025**

AL AR Kattalai,
Rep. by its Trustee,
AL AR. SM. Narayanan Chettiar.

... Appellant

Vs.

- 1.P.Radhakrishnan
- 2.The District Collector,
District Collector Office,
Sivagangai District,
Sivagangai.
- 3.The District Revenue Officer,
Sivagangai, Sivagangai District.
- 4.The Tahsildhar,
Kalaiyarkovil Taluk,
Kalaiyarkovil,
Sivagangai District.
- 5.The Joint Commissioner,
Hindu Religious and Endowment Department,



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Office of the Joint Commissioner,
Muthusamy Nagar, CB Colony,
Sivagangai – 630 562.

6.The Block Development Officer,
Kalaiyarkovil Panchayat Union,
Sivagangai District.

7.The President,
Kalaiyarkovil Panchayat,
Sivaganga District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.17722 of 2025 dated 30.06.2025 on the file of this Court.

For Appellant : Mr.S.Lakshmanasamy

For Respondents : Mr.Ajmal Kahn,
Addl. Advocate General,
Assisted by Mr.N.Satheeshkumar,
Addl. Government Pleader for R2 to R6.
Mr.K.Vasantha Kumar for R1.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.



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2.The appellant issued the tender notification dated 18.06.2025 proposing to e-auction the weekly market located in S.No.177/11, Kalaiyarkoil. The first respondent / P.Radhakrishnan filed W.P.(MD)No.17722 of 2025 challenging the tender notification. The learned Single Judge vide order dated 30.06.2025 took note of the fact that very same Radhakrishnan had also filed W.P.(MD)No.19532 of 2024 in respect of the very same lands. Therefore, the learned Single Judge directed that the writ petition shall be clubbed along with W.P.(MD)No.19532 of 2024. While doing so, the learned Single Judge gave an interim order holding that the results of the proposed auction shall not be declared but kept in abeyance pending further orders in the public interest litigation. Aggrieved by this interim direction, this writ appeal has been filed.

3.The learned Additional Advocate General appearing for the administration strongly contended that this writ appeal is not maintainable and that the learned Single Judge has passed only an equitable order. The learned counsel for the writ petitioner also adopted the stand of the Additional Advocate General and submitted that this



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Court may not interfere with the interim direction given by the learned Single Judge.

4.We carefully considered the rival contentions and went through the materials on record. Three aspects deserve to be noted. The appellant trust had earlier filed O.S.No.5 of 2012 on the file of the Sub Court, Sivagangai to restrain the district administration from interfering with their right and enjoyment over the petition mentioned property. An ex parte decree was passed on 19.08.2013. The learned Additional Advocate General states that steps have been taken to have the ex parte decree set aside. But the fact remands that as on date, the decree is holding good.

5.Secondly, one J.George Sebastin filed W.P.(MD)No.15959 of 2023 challenging a similar tender notification issued by the appellant trust in the year 2023. The writ petition was dismissed by the learned Single Judge on 03.07.2023.



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6.Thirdly, Radhakrishnan having already filed public interest litigation against the appellant trust for recovery of the petition mentioned lands could not have filed another writ petition before the learned Single Judge. Having filed public interest litigation, Radhakrishnan should pursue his remedy only in the pending public interest litigation.

7.In this view of the matter, the interim direction given by the learned Single Judge alone is set aside. This writ appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.,) & (K.R.S. J.,)
03.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Collector,
District Collector Office,
Sivagangai District,

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- 3.The Tahsildhar,
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