



WP(MD). No.3816 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **11.02.2026**

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THE HONOURABLE MR. JUSTICE **KRISHNAN RAMASAMY**

WP(MD).No.3816 of 2026
and
W.M.P.(MD)No.3128 of 2026

Chidambaram

... Petitioner

Vs

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruppur Division,
Cotton Market, Palladam Road,
Tiruppur.

2. The Executive Officer,
Arulmigu Balasubramaniya Samy Temple,
Vennaimalai,
Karur Taluk and District.

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, forbearing the Respondents from proceeding with any public auction, creating encumbrances or otherwise dealing with the shops constructed in S.F.No.



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242, now sub-divided as S.F.No.241/2, situated at Kathapparai Village,
Manmangalam Taluk, Karur District.

For Petitioner : Mr.L.Prabakaran,

For Respondents : Mr.J.K.Jayaselan,,
Government Advocate for R1
Mr.P.Athomoola Pandian for R2

ORDER

This Writ Petition is filed seeking a direction to forbear the respondents from proceeding with any public auction, creating encumbrances or otherwise dealing with the shops constructed in S.F.No. 242, now sub-divided as S.F.No.241/2, situated at Kathapparai Village, Manmangalam Taluk, Karur District.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel appearing for the petitioner would submit that the petitioner was initially in possession of the subject property. Thereafter, the respondents, by initiating proceedings under Section 78 of the HR & CE Act, took possession of the subject property on 21.12.2024 by putting it under lock and seal. Challenging the same, the petitioner has filed a Writ Petition before this Court in W.P.(MD)No. 1133 of 2025 and this Court, by order dated 22.01.2025, directed the petitioner to seek interim relief before the civil Court in the pending suit in O.S.No.28 of 2025 on the file of the Additional Subordinate Judge, Karur. Pursuant to the said order, the petitioner has filed an interlocutory application in the pending suit and the said application is pending for adjudication. In the meantime, the second respondent has taken steps to bring the subject property for public auction. Aggrieved by the same, the petitioner has filed the present Writ Petition seeking the relief stated above.

4. The learned counsel appearing for the 2nd respondent would submit that they have not taken any steps to bring the subject property for public auction. However, he would further submit that



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unless the petitioner obtains an interim order from the civil Court in the pending civil suit, there is no bar for the respondents to bring the subject property for public auction.

5. This Court heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the records, it is seen that the petitioner has filed a civil suit in O.S.No.28 of 2025 on the file of the Additional Subordinate Judge, Karur for declaration and injunction. As rightly contended by the learned counsel appearing for the 2nd respondent that unless the petitioner obtains an interim order from the civil Court in the pending civil suit, there is no bar for the respondents to bring the subject property for public auction. Therefore, this Court is not inclined to entertain this Writ Petition. However, liberty is granted to the petitioner to participate in the public auction. If the petitioner has any grievance, it is for him to approach the competent civil court and seek appropriate relief. It is made clear that, in the event the subject property is declared



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to be the petitioner's property, the petitioner shall be entitled to all rights in accordance with law. If any application is filed by the petitioner, it is for the civil court to consider and pass orders on the same on its own merits and in accordance with law, without being influenced by any of the observations made in this order.

7. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.02.2026

Index : Yes/No

NCC : Yes/No

VSM

TO

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KRISHNAN RAMASAMY, J.

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