

**BEFORE THE COMMISSIONER, H.R. & C.E.ADMN.DEPARTMENT,
CHENNAI-34.**

Friday the 26th day of October, Two thousand and Eighteen.

Present:Thiru.T.K.Ramachandran, I.A.S.,

Principal Secretary /Commissioner

R.P.346/2017 D2

Between

A.Angandi

...Petitioner

And

The Fit person/Executive Officer

Arulmigu Siddheswaraswamy Temple,

Kanjamalai

....Respondents

In the matter of Arulmigu Angalaparameswari Amman Temple,
Panangudi, Andipatti, Salem Taluk and District.

The Revision petition filed under Section 21 of the Tamil Nadu H.R. &
C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the Public auction notice
as published in "Dhina Thanthi" daily.

Order in D.Dis.R.P.No.346/2017/ D2 dated:26.10.2018

The above Revision petition came up for hearing before me on
15.10.2018 in the presence of M/s.G.Sumitra, counsel for the petitioner,
Thiru.E.Ganesh, counsel for the 2nd respondent. Upon hearing their arguments
and having perused the connected records the matter having stood over for
consideration till this day, the following order is passed: -

ORDER

The above Revision Petition was filed u/s 21 of the Act. Challenging
public auction notice published in Daily Thandhi on 17.10.2017.

2. Initially, after hearing the counsel for the petitioner, the proposed
Public Auction on 26.10.2017 was stayed by order dated 24.10.2017.

Thereafter the respondent/Fit Person has filed a detailed counter. The Assistant Commissioner, Salem was directed to file a factual report on the Jurisdiction of the Fit Person and the Petitioner for issuing an auction notice for A/m.Angalamman Temple. Accordingly, the Assistant Commissioner, Salem has sent a detailed report in RC.No.4708/2017 B2, dated 01.12.2017 and copy of the same was furnished to the Petitioner.

3. After perusing the Counter Affidavit and report of the Assistant Commissioner, the stay granted on 24.10.2017 was vacated by order dated 16.04.2018 and the Fit Person has been permitted to take necessary action to lease out the properties in Public Auction in accordance with law. Accordingly, the temple has taken steps to conduct Public Auction.

4. At this stage, the counsel for the Petitioner has filed a memo to withdraw the above Revision Petition on 02.07.2018. The Petitioner is claiming that he is Hereditary Trustee of A/m.Angalamman Temple. Previously, Public Auction held on 21.09.2012 was declared void by the Commissioner in Pro.RC.No.56408/2012 H4 dated 06.12.2012 based on Revision Petition filed by the Petitioner and other. Again when the Fit Person took steps to conduct Public auction, the same was challenged by the Petitioner in this Revision Petition and he has managed to get stay of the proposed Public auction on 26.10.2017. If the petitioner is permitted to withdraw the Revision Petition, he may challenge the Public Auction in future. It will be detrimental to the interest of the temple. Unless the issues raised by the Petitioner are decided,

there will not be any end to this dispute. Hence, the Petitioner is not permitted to withdraw this Revision Petition.

Meanwhile, the petitioner has filed a W.P.No.18306/2018 challenging the Public Auction notice dated 05.07.2018 issued by the Fit person of the temple. The said writ petition was disposed of by the Hon'ble High Court on 23.07.2018 with the following direction:

“Considering the submissions made by both learned counsel, this court is of the view that when the O.A. filed by the petitioner seeking declaration declaring that the petitioners therein and the respondents therein are the hereditary trustees is pending, in all fairness, the respondents ought not to have issued the auction notice and therefore, the auction notice is cancelled. The Joint Commissioner, second respondent is hereby directed to dispose of the pending O.A., on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order”.

In view of the above order passed by the Hon'ble High Court, further adjudication is not necessary in this Revision petition. Accordingly the Revision petition is hereby closed.

/typed to dictation/

Sd./- T.K.Ramachandran
Principal Secretary /Commissioner

/t.c.f.b.o./

Superintendent

To

1. The Petitioner through M/s.G.Sumitra, Advocate, No.35, Law Chambers, High Court Buildings, Chennai – 104.
2. The Respondent through Thiru.E.Ganesh, Advocate, No.61/23, Sakthi Avenue, South Lock Street, Kottur (Near Kotturpuram MRTS Railway Station) Chennai -85.

Copy to

3. The Joint Commissioner, H.R. & C.E. Admn.Department, Salem.
4. The Assistant Commissioner, HR & CE Admn.Department, Salem.
5. Extra.