



W.P(MD)No.7294 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7294 of 2015

R.Thavamani

... Petitioner

Vs

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tuticorin.
- 3.The Executive Officer,
Arulmighu Mahaganapathy Thiru Kovil,
Ammanpuram,
Tiruchendur TK,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent herein to refund a sum of Rs.3,03,000 with 12% interest being the amount deposited by the Petitioner for developing fish culture for the Fasli 1422 in a tank situated at Veeramanickam and Ammanpuram Village, owned by the third respondent herein.



W.P(MD)No.7294 of 2015

For Petitioner : No Appearance

For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader
for R.1 & R.2

Mr.M.Muthu Geethayan for R.3

ORDER

None appears for the writ petitioner.

2. The petitioner wants the third respondent temple to refund a sum of Rs.3,03,000/- (Rupees Three Lakhs and Three Thousand only) with interest. According to the petitioner, this amount was deposited by the petitioner with the temple.

3. The learned Standing Counsel appearing for the Temple submits that the petitioner was the highest bidder and the petition mentioned amount was paid as bid amount for the first fasali year 1422. The petitioner enjoyed the lease. The petitioner failed to pay any lease amount for the next fasali year. When the temple authority called upon the petitioner to remit the amount for the next fasali year and threatened to cancel the lease itself, that too after a period of 11 months, the present writ petition came to be filed. This is the objection raised by the learned counsel appearing for the Temple.



W.P(MD)No.7294 of 2015

4. I am more than satisfied that there is no merit in this writ petition. In any event, these are matters that fall in the realm of contract. If according to the petitioner there has been a breach of contractual obligations, it is for the petitioner to move the jurisdictional civil Court. Filing writ petition is misconceived.

5. This writ petition is dismissed. There shall be no order as to costs.

05.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tuticorin.



WEB COPY



W.P(MD)No.7294 of 2015

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.7294 of 2015

05.07.2023