



W.P.(MD).No.26668 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD).No.26668 of 2023

R.Saravanakumar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul,
Dindigul District.

3.The Executive Officer,
Arulmigu Kathali Narasingaperumal Thirukovil,
Hindu Religious and Charitable Endowments Department,
Jambuliputhur, Andipatti Taluk,
Theni District.

4.The Inspector,
Arulmigu Kathali Narasingaperumal Thirukovil,
Hindu Religious and Charitable Endowments Department,
Periyakulam,
Theni District.

5.Ganesan

...Respondents



W.P.(MD).No.26668 of 2023

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to conduct enquiry and take action against the fifth respondent by cancelling his license on the ground of violation of condition stipulated in the license by considering the petitioner's representations dated 24.08.2023 and 25.10.2023.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.P.Subba Raj
Special Government Pleader
for R1, R2 and R4
Mr.V.Chandrasekar for R3

ORDER

This Writ Petition has been filed for issuance of a writ of Mandamus, directing the respondents 3 and 4 to conduct enquiry and take action against the fifth respondent, by cancelling the license of fifth respondent, on the ground of violation of conditions stipulated in the license, by considering the petitioner's representations dated 24.08.2023 and 25.10.2023.

2. The petitioner is a licensee and is permitted to sell Ellu and Ghee Lamp in the premises of Arulmigu Kathali Narasingaperumal



W.P.(MD).No.26668 of 2023

WEB COPY

Thirukovil, Jambliputhur, Andipatti Taluk, Theni District, for a period of one year (i.e.,) from 01.07.2023 to 30.06.2024.

3. The grievance of the petitioner is that a separate public auction was conducted to sell pooja materials in the said Temple. The fifth respondent, who has participated in the auction, was awarded with the contract of selling pooja materials. The fifth respondent, who is supposed to sell pooja materials, is selling Ellu and Ghee Lamp, which is affecting the petitioner's business. Therefore, the petitioner has submitted a representation before the third respondent, however the third respondent has not taken any action. Hence, he has filed this Writ Petition.

4. When this matter was listed for admission, Mr.V.Chandrasekaran, learned counsel has taken notice for the third respondent and submitted that the petitioner alone was permitted to sell Ellu and Ghee Lamp in the Temple premises and the fifth respondent was awarded with the license to sell pooja materials. However, due to crowd in Purattasi month, both the petitioner as well as the fifth respondent have violated the conditions and they have been directed to sell pooja



W.P.(MD).No.26668 of 2023

materials as per the conditions stipulated in the license. Based on the directions given by the third respondent, namely, the Executive Officer of the said Temple, the fifth respondent has already given an affidavit of undertaking that he will sell only pooja materials.

5. The learned counsel appearing for the petitioner submits that the petitioner also undertakes to sell the products, like Ellu and Ghee Lamp as per the conditions stipulated in the license.

6. Considering the submissions made by the learned counsel appearing for the petitioner and the learned counsel appearing for the third respondent, this Writ Petition is closed with a direction to the third respondent to ensure that the petitioner and the fifth respondent are selling the products as per the conditions stipulated in the license. There shall be no order as to costs.

09.11.2023

Index: Yes/No
Internet: Yes/No
ssb



W.P.(MD).No.26668 of 2023

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W.P.(MD).No.26668 of 2023

B.PUGALENDHI, J.

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W.P.(MD).No.26668 of 2023

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