

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.28303 of 2015 &

M.P.No.1 of 2015

G. Aruna

.. Petitioner

v.

- 1 The Commissioner
Hindu Religious and Charitable Endowment Board
Nungambakkam High Road, Chennai
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowment Board
Thiruvannamalai Temple Campus
Thiruvannamalai
- 3 The Revenue Divisional Officer
Thiruvannamalai Town
Thiruvannamalai
- 4 The Inspector of Police
Town Police Station, Thiruvannamalai

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the proceedings of the 2nd respondent in Na.Ka.No. 227/2015/A6, dated 01.09.2015 and quash the same as illegal and consequently direct the respondents to take action under Section 78, 79, 79 (A) and 79 (B) of The TamilNadu Hindu Religious and Charitable Endowments Act 1959 by protecting the temple premises based on the compliant made by the petitioner dated 19.08.2015 and 25.08.2015

For Petitioner : M/s.K.M.VIjayan Associates
For Respondents : Mr.P.Sanjay Gandhi
Addl. Govt. Pleader - for R1 & R2
Mr.R.Govindasamy,
Addl. Govt. Pleader - for R3 & R4

ORDER

The petitioner was a successful bidder in pursuant to the tender notification issued by the proceedings dated 10.08.2015. The 1st respondent confirmed the bid in favour of the petitioner. The auction was with respect to the sale of materials meant to be used for poojas. Clause 41 of the tender condition says that it is the duty of the successful bidder to see to it that temporary shops are not put up. The petitioner made representation stating that no action has been taken to remove the temporary shops and therefore, appropriate action will have to be taken.

2. The 2nd respondent, by order dated 1.9.2015, informed the petitioner that as per clause No.41, it is the duty of the petitioner to take appropriate action to remove the temporary shops put up.

3. Though a request has been made to the Revenue Divisional Officer in this regard, learned counsel for the petitioner submitted that it is the duty of the 2nd respondent to remove the daily encroachment.

4. This court is unable to accept the said contention, in view of Clause No.41, stipulated in the tender notification. The petitioner was aware of the factual position. Thus, he cannot raise the issue fixing the responsibility on the part of the 2nd respondent. However, it appears that the 2nd respondent made a request to the Revenue Divisional Officer.

5. Mr.P.Sanjay Gandhi, learned Additional Government Pleader produced a Government record, which would show that in pursuant to the letter of the 2nd respondent dated 17.08.2015, the Revenue Divisional Officer has asked the Tahsildar, Thiruvannamalai to take appropriate action and report the same.

6. Considering the same, a direction is issued to the 3rd respondent to take appropriate action to remove the daily encroachment as sought for by the petitioner in the complaint dated 19.08.2015 by following the procedure in accordance with law, within a period eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

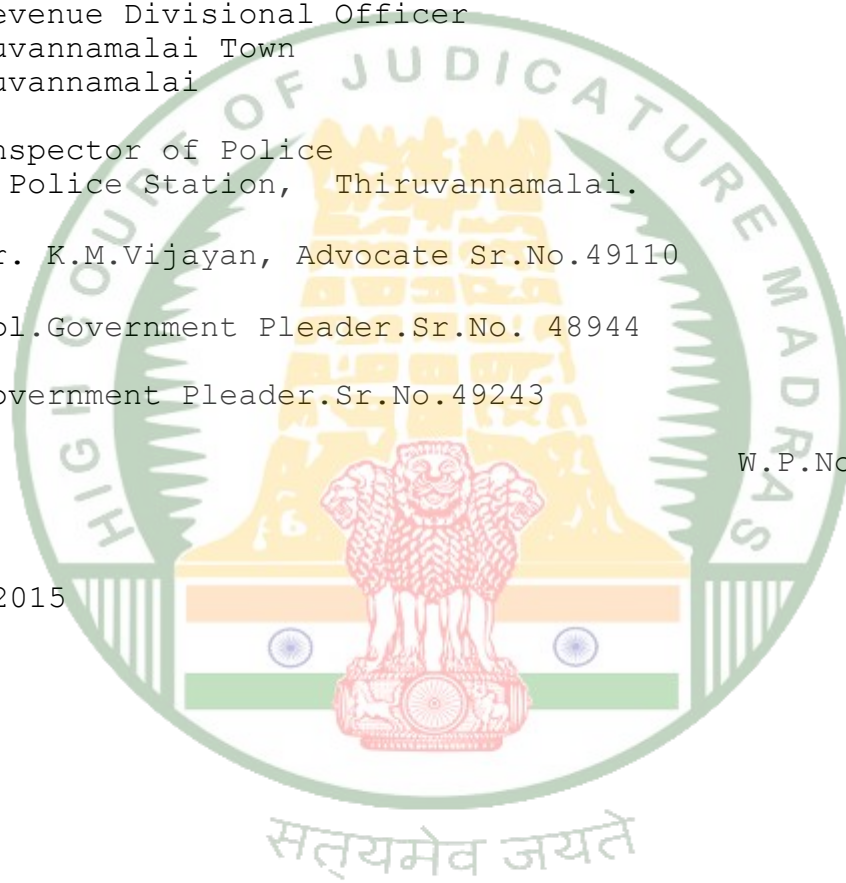
Rj

To

- 1 The Commissioner
Hindu Religious and Charitable Endowment Board
Nungambakkam High Road, Chennai
 - 2 The Joint Commissioner
Hindu Religious and Charitable Endowment Board
Thiruvannamalai Temple Campus
Thiruvannamalai
 - 3 The Revenue Divisional Officer
Thiruvannamalai Town
Thiruvannamalai
 - 4 The Inspector of Police
Town Police Station, Thiruvannamalai.
- 1 cc to Mr. K.M.Vijayan, Advocate Sr.No.49110
- 1 cc to Spl.Government Pleader.Sr.No. 48944
- 1 cc to Government Pleader.Sr.No.49243

vd(co)
pmk.22.9.2015

W.P.No.28303 of 2015 &
M.P.No.1 of 2015



WEB COPY