



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A. (MD) No.66 of 2015

and

M.P. (MD) No.1 of 2015

Indhu Aalaya Pathukappu Kulu

Rep. by through its President A.Kannusamy

... Appellants

Vs.

1. The Commissioner

Hindu Religious and Charitable
Endowments Department,
Chennai.

2. The District Collector

Theni District, Theni.

3. The Joint Commissioner

Hindu Religious and Charitable
Endowments Department,
Mela Ratha Veethi, Madurai - 625 001.

4. The Executive Officer

Arulmigu Moogilani Kamatchi Amman Temple,
Devadanapatti, Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 22.01.2015 of the Learned Single Judge of this Court made in W.P.(MD).No.19584 of 2014.

Prayer in WP(MD). 19584/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for the 4th respondent s tender notification nil date and quash the same.

For Appellants : Mr.A.Haja Mohideen

For Respondents : Mr.V.R.Shanmuganathan,

Spl.G.P. for R1 to R3

Mr.M.Karuppasamy Pandian for R4

**JUDGMENT****(Judgment of this Court was delivered by S.TAMILVANAN, J.)**

Challenging the order dated 22.01.2015 passed by the learned single Judge of this Court in W.P.(MD)No.19584 of 2015, the present Writ Appeal has been preferred.

2. Heard the learned counsel appearing for the appellant, learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. It is seen that the writ petition was filed by the appellant / petitioner, seeking an order in the nature of Writ of Certiorari, to call for the records pertaining to tender notification, dated 02.12.2013, issued by the Executive Officer, Arulmigu Moongilani Kamatchi Amman Temple, the fourth respondent herein in respect of collecting rent from the temporary shops, parking charges from the vehicle owners and to quash the said tender notification, by considering the petitioner's representation, dated 16.12.2013 within a stipulated time.

4. It is seen that by the impugned order, dated 22.01.2015, learned single Judge disposed of the writ petition, directing the respondent to issue fresh publication in one issue of Dhina Thanthi and another news daily Maalai Malar on 24.01.2015 for the auction to be conducted on 03.02.2015. It is not in dispute that the fourth respondent has made publication in Dhina Thanthi, as directed by the learned single Judge. However, the appellant / petitioner has not complied with the conditional order passed by the learned single Judge, though the same was passed only on consensus arrived at between the parties. Therefore, the appellant / petitioner cannot raise any legal grievance at this stage. We could find no legal grounds or reasons to allow this writ appeal.

5. Having gone through the grounds raised in the writ appeal and the facts and circumstances of this case, we are of the considered view that the writ appeal is liable to be dismissed as not maintainable. Accordingly the writ appeal is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar



To

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Theni District.

+1cc to Mr. A.Haja Mohideen, Advocate Sr.No.5125
+1cc to Mr. M.Karuppasamy Pandian, Advocate Sr.No.5008
+1cc to Spl.Government Pleader Sr.No. 5246
nbj
AA/01.06.2015/3p - 8c/

W.A. (MD) No.66 of 2015
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