



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.05.2015

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P. (MD) NoS.8117 & 8118 of 2015 and M.P. (MD) Nos.1 to 3 of 2015

TAMILNADU THIRUKOVIL

KADAIGAL KATTIDA VADAGAITHARARGAL NALA

SANGANGALIN PERAMAIPPU REP.BY ITS SECRETARY

MR.K.VELLIMALAI

.. Petitioner in both the W.Ps.

Vs.

THE JOINT COMMISSIONER/ EXECUTIVE OFFICER,

ARULMIGU DHANDAYUTHAPANISWAMY THIRUKOIL,

PALANI, DINDIGUL DISTRICT.

.. Respondents in both the W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned notification passed by the respondent in Na.Ka.No.1060/15-1/C3 & Na.Ka.No.1060/15-2/C3 dated 28.4.2015, respectively, published in Thinamani Tamil Daily news paper on 03.05.2015 and the consequential notification Na.Ka.No.1060/15-1/C3 dated 8.5.2015 published in Thinamani Tamil Daily news paper on 10.05.2015 and quash both as illegal.

For Petitioner in

both W.Ps. : Mrs.Nisha Banu

For Respondent in

both W.Ps. : Mr.Govindaraj

C O M M O N O R D E R

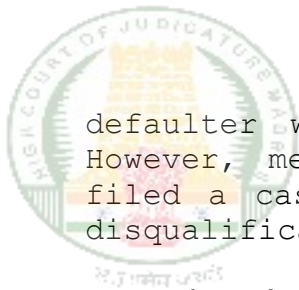
(The order of the Court was made by T.S.SIVAGNANAM, J.)

These writ petitions, designed as a Public Interest Litigation, has been filed by an association called Tamilnadu Thirukovil Kadaigal Kattida Vadagaitharargal Nala Sangam.

2. The learned counsel for the petitioner has challenged the terms and conditions of the auction proposed to be conducted by the respondent temple for leasing out the shops and other immovable properties owned by the temple. The objections raised by the petitioners are three folds, with regards to Clause (1), (18) and (22). In so far as clause (1) of the tender condition the petitioner is aggrieved only by the portion of the condition stating that only persons belonging to Hindu Religion will be entitled to participate in the tender. The other condition against which the petitioner has a grievance is condition No.18, which prohibits persons who are defaulters of the lease / rent towards temple and who have filed cases against the temple, are not entitled to participate in the auction. The other grievance is with regard to clause No.22, which states that no case can be filed against the temple.

<https://hcservices.ecourts.gov.in/hcservices/>

3. So far as clause No.18 is concerned, if a person is a defaulter or their close relatives (such as wife, son, daughter) claiming under a



defaulter will not be entitled to participate in the auction/tender. However, merely because a defaulter or his wife, son or daughter has filed a case before the Court against the temple, cannot operate as a disqualification from participating in the tender.

4. The learned counsel for the respondent temple concedes to the above fact and submits that they will not prevent the persons who are defaulters and filed cases against temple, from participating in the auction. He would further submit that they will not give effect to clause No.22 is concerned. The submission made by the learned counsel for the respondent temple is recorded.

5. Now, the only question that remains to be considered is with regard to condition No.1 which states that the persons belonging to Hindu religion alone is entitled to participate in the auction/tender. This condition according to the petitioner is in violation of constitutional rights guaranteed to the citizens. It has to be pointed out that the owner of the property is the temple/deity. Therefore, the question would arise as to the deity/owner are entitled to impose conditions and the manner in which the temple property has to be leased out and utilized.

6. The learned counsel for the respondent submitted that several shops are situated with the precincts of the temple and they can be leased out only to persons belonging to Hindu Religion. Therefore, this question is a larger question to be considered at the later point of time. However, at this juncture, we are not inclined to consider the same, since the petitioner association is not an aggrieved person. Further more, the petitioner association represented by its Secretary belongs to Hindu religion. Therefore, he is also not aggrieved persons.

7. The learned counsel for the respondent referred to a receipt issued by a temple under the control of HR & CE Department stating that a person belonging to Muslim Religion was allowed to participate in the tender. This receipt is in respect of some other temple and it is of no relevance to the present issue. Therefore, the issue as to whether the persons belonging to Hindu Religion alone are entitled to participate in the tender is left open to be decided at a later point of time, if a need arises.

8. With the above observation, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

THE JOINT COMMISSIONER/ EXECUTIVE OFFICER,
ARULMIGU DHANDAYUTHAPANISWAMY THIRUKOIL, PALANI, DINDIGUL DISTRICT.

+1cc to MR.N.ILANGO, ADVOCATE IN SR : 25272

Rj2

SR/SJW : 20.05.2015 : 2p/3c (IT)