



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

W.A. (MD).Nos. 1563 and 1564 of 2016

and

CMP No.11558 of 2016

and

WP (MD)No.12988 of 2016 and WP (MD)No.19432 of 2016

H.Harimurugesan : Appellant in both appeals

Vs.

1. The Joint Commissioner of HR & CE
Hindu Religious and Charitable Endowment
O/o. Joint Commissioner of HR & CE
Muthuchamy Nagar,
Sivagangai to Thirupathur Road
Sivagangai Town and Taluk
Sivagangai District

2. The Assistant Commissioner of HR & CE
Hindu Religious and Charitable Endowment
Anjumuku Road,
Ramanathapuram Main Road,
Paramakudi Town
Ramanathapuram District

3. The Executive Officer,
Sri Koppudayanayagamman Thirukovil
Karaikudi, Sivagangai

4. G.Selvi
Executive Officer,
Sri Koppudayanayagamman Thirukovil
Karaikudi, Sivagangai

5. P.Sakthivel : Respondents in both appeals

PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent against the Order dated 23.11.2016 made in W.P.(MD).Nos. 12988 and 19432 of 2016 on the file of this Court.

**Prayer in WP(MD).12988/2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare the Tender cum Public Auction pertaining to the License for collecting fees in Weekly Market belonging to 3rd Respondent Temple in Survey No.227/1 for the Fasli year 1426 conducted on 20.07.2016 by the Respondent No.3 as null and void and for a direction, directing the Respondents to conduct retender / public auction pertaining to the License for collecting fees in Weekly Market belonging to 3rd Respondent Temple in Survey No.227/1 for the Fasli Year 1426 within the time period stipulated by this Honble Court.

Prayer in WP(MD).19432/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus to call for the records pertaining to the Impugned Re-Tender Notification dated 12.07.2016 along with additional tender condition dated 18.07.2016 on the file of the Respondent No.3 and the consequential impugned order dated 23.07.2016 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction directing the respondents to conduct retender/public auction pertaining to the License for collecting fees in weekly Market belonging to the third respondent in Survey No.227/1 for the Fasli Year 1426 within the time period stipulated by this Hon'ble Court.

For Appellant : Mr.Veera Kathiravan senior counsel for
Mr.V.Sri Balaji

For Respondents : Mr.M.Govindan
Special Government Pleader for R1 & 2
Mr.V.R.Shanmuganathan for R3

COMMON JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble The Chief Justice]

We have heard the learned counsel for the parties.

2. It is agreed that the appeals may be disposed of in the following terms:

(i) The 5th respondent will deposit a total sum of Rs.45 lakhs within seven days from today, excluding the amount already deposited, ie. Rs.23 lakhs ;

(ii) On the basis of the aforesaid, fresh auction will be held with an open price of Rs.45 lakhs ;



(iii) In case, the amount aforesaid is not deposited, the earnest money of the 5th respondent shall stand forfeited ;

(iv) In the fresh auction, the amount deposited by the appellant will be treated as a deposit against the auction.

(v) In case, in the fresh auction, the appellant is not successful in his bid, then the amount deposited by the appellant will be refunded on a *pro-rata* basis.

3. The writ appeals are, accordingly, disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Joint Commissioner of HR & CE,
Hindu Religious and Charitable Endowment,
O/o. Joint Commissioner of HR & CE, Muthuchamy Nagar,
Sivagangai to Thirupathur Road, Sivagangai Town and Taluk,
Sivagangai District.
2. The Assistant Commissioner of HR & CE,
Hindu Religious and Charitable Endowment,
Anjumuku Road, Ramanathapuram Main Road, Paramakudi Town,
Ramanathapuram District.
3. The Executive Officer, Sri Koppudayanayagamman Thirukovil
Karaikudi, Sivagangai.

+1cc to Special Government Pleader in SR.No.78964.

+1cc to M/s.T.Lajapathi Roy, Advocate, in SR No.78655.

+1cc to M/s.VR.Shanmuganathan, Advocate, in SR No.78582.

+2cc to M/s.Vas Law Associates, Advocate, in SR No.74840.

JUDGMENT MADE IN
W.A(MD) Nos.1563 and 1564 of 2016
CMP No.11558 of 2016
Dated: 01.12.2016

RR

msm/km/sar3/05.12.16/p3/9c(IT)