



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

C O R A M

WEB COPY

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

W.P. (MD) No. 16754 of 2016

and

W.M.P. (MD) No. 12171 of 2016

M. Subbaian

.. Petitioner

Vs

The Joint Commissioner/
Executive Officer,
Kanyakumari Temples
(Incorporated and un-incorporated Temples),
Arulmighu Thanumalaiyaswamy Thirukovil,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Suchindrum - 629 704,
Kanyakumari District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned auction notice in Na.Ka.No.2817/2010/P1, dated 29.08.2016 published in Dinathanthi Tamil daily dated 31.08.2016 and quash the same consequently directing the respondent to extend the period of allotment for shop No.6, Keezhshanthi Madam, Arulmighu Thanumalayaswamy Thirukovil, Suchindrum to the petitioner for another three years on payment of 15% enhancement of monthly rent.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.K.Sathiya Singh

O R D E R

The present Writ Petition is filed challenging the auction notification Na.Ka.No.2817/2010/P1, dated 29.08.2016 issued by the respondent calling for public auction to allot shop No.6, Keezhshanthi Madam, Arulmighu Thanumalayaswamy Thirukovil, Suchindrum.



2. When the matter came up for hearing last occasion on 12.09.2016, the learned counsel for the respondent submitted a letter given by the petitioner before the respondent stating that already the petitioner has handed over the possession of the shop to the respondent and also willing to withdraw the Writ Petition, the learned counsel for the petitioner sought for time to verify the above submission.

3. Today, when the matter is called, the learned counsel for the petitioner is not in a position to verify the veracity of the letter.

4. The learned counsel for the respondent submitted that already public auction was conducted and one K.Subbaiah, none other than the brother-in-law of the petitioner, is the highest bidder and the auction was confirmed in his favour.

5. According to the petitioner, the Writ Petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The Joint Commissioner/Executive Officer,
Kanyakumari Temples(Incorporated and un-incorporated Temples),
Arulmighu Thanumalaiyaswamy Thirukovil,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Suchindrum - 629 704, Kanyakumari District.

+1 cc to MR.M.P.SENTHIL, Advocate SR.No.53496

+1 cc to MR.K.SATHIYA SINGH, Advocate Sr.No.53041

W.P. (MD) No.16754 of 2016
and
W.M.P. (MD) No.12171 of 2016
15.09.2016

SMA/SS-3/29/09/2016 :2P/4C