

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

WRIT PETITION No.18587 OF 2009

—
ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner has come up with the above writ petition by way of Public Interest Litigation seeking a declaration that the action of respondent Nos.2 and 3 in leasing out Kalyana Mandapams to third parties is illegal and in violation of the provisions of Act 30 of 1987.

2. Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioner.

3. The 2nd respondent Devasthanam appears to have promoted a Scheme more than a decade ago, inviting religious minded and pious people to donate lands of the extent of not less than one acre, to enable the Devasthanam to construct Kalyana Mandapams at various places. The Devasthanam offered to invest not less than 50% of the cost of construction of such Kalyana Mandapams, with the remaining amount coming from the members of the public by way of donations.

4. It appears that several persons donated lands as well as money, with which the Devasthanam constructed

Kalyana Mandapams. After construction, the Devasthanam issued notices inviting tenders for the grant of licenses to maintain and run the Kalyana Mandapams. In the auction, some persons have offered very high amounts and the highest bids have been accepted.

5. Contending that abnormal and exorbitant rates have been quoted by the participants in the auction and that it was clearly an indication that the Kalyana Mandapams may be misused for sacrilegious purposes, the petitioner has come up with the above writ petition.

6. In simple terms, the writ petition is based only upon presumptions and surmises. The fear of the petitioner is that persons who have taken the license to run out the Kalyana Mandapam, by offering exorbitant amounts, will naturally let out the Kalyana Mandapam for purposes other than that are noble. But, such a fear cannot be the basis of a writ petition. Apprehensions cannot form the foundation for a writ petition. If persons who take the Kalyana Mandapams on license actually put them to wrong use, it is always open to the petitioner to complain. Merely because a higher and unrealistic rate is quoted, there cannot be any apprehension that the property may be misused. Probably the highest bidders want to treat part of the bid amount as a donation to the temple. We cannot be sure of their intentions. Hence, the

writ petition lacks merits and it is dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

V.
RAMASUBRAMANIAN, J

A. SHANKAR NARAYANA, J

June 02, 2016.
Mgr