

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

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THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.Nos.8721 to 8723 of 2017 and
W.M.P.Nos.9564 to 9569 of 2017

Malar .. Petitioner in W.P.8721/2017
Velu .. Petitioner in W.P.8722/2017
Jeganathan .. Petitioner in W.P.8723/2017

Vs.

- 1.The Commissioner,
HR & CE Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai - 34.
- 2.The Fit Person/Assistant Commissioner,
Arulmigu Pathrakaliamman Temple,
HR & CE Department,
Mecheri - 636 453,
Mettur Taluk, Salem District.
- 3.The Executive Officer,
Arulmigu Pathrakaliamman Temple,
HR & CE Department,
Mecheri - 636 453,
Mettur Taluk, Salem District. Respondents in all 3 W.Ps

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the impugned tender notification dated 30.03.2017 made in Pasali 1427 license/ lease public auction notice issued by the respondents 2 & 3 in so far as Shop No.1, Shop No.5 and Shop Nos.6, 8 & 9 in the premises of Arulmigu Pathrakaliamman Temple, Mecheri and quash the same and consequently, direct the respondents to renew the license/lease of the petitioner's Shop No.1, Shop No.5 and Shop Nos.6, 8 & 9 based on her application (representation) dated 03.04.2017.

For Petitioner (in all 3 W.Ps) : Mr.M.R.Jothimanian
For Respondents (in all 3 W.Ps) : Mr.Maharaja,
Special Government Pleader

C O M M O N O R D E R

The petitioners have filed the above Writ Petitions to issue a writ of certiorarified mandamus to call for the records of the impugned tender notification dated 30.03.2017 made in Pasali 1427 license/lease public auction notice issued by the respondents 2 & 3 in so far as Shop No.1, Shop No.5 and Shop Nos.6, 8 & 9 in the premises of Arulmigu Pathrakaliamman Temple, Mecheri, to quash the same and consequently, to direct the respondents to renew the license/lease of the petitioner's Shop No.1, Shop No.5 and Shop Nos.6, 8 & 9 based on their application dated 03.04.2017.

2.Heard Mr.M.R.Jothimanian, learned counsel appearing for the petitioners and Mr.Maharaja, learned Special Government Pleader, takes notice for the respondents.

3.It is the grievance of the petitioners that the licence was granted to them in respect of the Shops mentioned above in the premises of Arulmigu Pathrakaliamman Temple, Mecheri in the month of May 2015. On payment of licence amount, the licence was granted for a period between 01.06.2015 and 31.05.2016 in favour of the petitioners. The period of licence was renewed by enhancing the licence amount for the period from 01.06.2016 to 31.05.2017. The respondents 2 & 3 issued a fresh tender notification dated 30.03.2017 in respect of the Shops mentioned above and the tender proceedings commenced on 03.04.2017. The auction is to be held on 12.04.2017. In these circumstances, the petitioners gave a representation dated 03.04.2017 requesting the respondents to renew the licence for the period 2017-18. Challenging the tender notification, the petitioners have filed the above Writ Petitions.

4.The learned counsel appearing for the petitioners submitted that in the unreported judgment made in W.A.(MD). Nos.823 to 839 of 2016 [T.Sathish Vs. The Commissioner, O/o The Commissioner (HR & CE), Hindu Religious and Charitable Endowment, Chennai - 34 and others] dated 29.04.2016, the Division Bench permitted the licencees to renew the licence period on payment of enhanced rent.

5.However, on a reading of the judgment passed in the said Writ Appeals, it could be seen that the Writ Petitions itself were filed by imposing condition of payment of 15% increase of rent over and above the rent paid by the petitioners. In the case on hand, the respondents have already published the tender notification and called for tender. In these circumstances, since the facts and circumstances of the present case are different, the ratio laid down by the Division Bench is not

applicable.

6.Since the respondents have already commenced the tender process, I am not inclined to interfere with the same. However, I give liberty to the petitioners to participate in the tender scheduled to be held on 12.04.2017.

7.In these circumstances, I do not find any reason to interfere with the tender notification dated 30.03.2017. The Writ Petitions are devoid of merits and the same are liable to be dismissed. Accordingly, the Writ Petitions are dismissed.

8.The learned counsel appearing for the respondents submitted that the petitioners have already submitted their tender application before the respondents.

9.In these circumstances, the respondents shall consider the tender applications submitted by the petitioners, if it is in order. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner,
HR & CE Department,
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2.The Fit Person/Assistant Commissioner,
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