



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 13 .07.2017  
CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**  
AND  
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD) No. 11428 of 2017  
and  
WMP(MD) Nos.8784 and 10069 of 2017

Tamil Nadu Temple Technical Staff Association  
Represented by its President  
A.Meenakshi Sundaram. ... Petitioner

vs.

- 1.The Secretary to Government,  
Tourism, Culture and Endowments Department,  
Secretariat, Chennai.
- 2.The Commissioner,  
Hindu Religious and charitable Endowments Department,  
Chennai.
- 3.The Joint Commissioner /Executive Officer,  
A/M Meenakshi Sundareswarar Temple,  
Madurai. ... Respondents

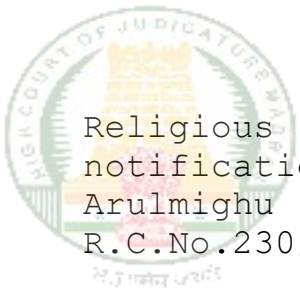
**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to cancel the tender notification issued by the 3<sup>rd</sup> respondent in R.C.No.230/2015/F1 dated 07.06.2017 and subsequently directing the 2<sup>nd</sup> respondent to call for tenders afresh by following the rules prescribed in the Management and Preservation of Properties of Religious Institutions Rules within the stipulated time fixed by this Court.

|                 |                                                                                    |
|-----------------|------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.Neethimohan                                                                   |
| For Respondents | : Mr.M.Govindan,<br>Spl. Govt. Pleader for R1 & R2<br>Mr.V.R.Shanmuganathan for R3 |

**O R D E R**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed by the Tamil Nadu Temple Technical Staff Association represented by its President Mr.A.Meenakshi Sundaram for directing the Commissioner, Hindu



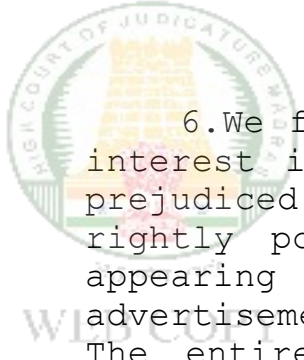
Religious and Charitable Endowments to cancel the tender notification issued by the Joint Commissioner/Executive Officer, Arulmighu Meenakshi Sundareswarar Temple, Madurai in R.C.No.230/2015/F1, dated 07 June 2017.

2.This Court while entertaining the writ petition granted interim order staying the tender notification. The third respondent in the writ petition filed WMP(MD) No.10069 of 2017 for vacating the said interim order dated 21 June 2017 passed by this Court in W.M.P.(MD) No.8784 of 2017.

3.The Principal contention raised by the writ petitioner is that the tender notification has been issued without due authority. This contention has been shown to be incorrect.

4.The learned Special Government Pleader appearing for the respondents in the writ petition pointed out that tentative approval was already obtained from the competent authority i.e. Commissioner, Hindu Religious and Charitable Endowment Board, vide proceedings dated 19 May 2017 in Se.Mu.Na.Ka.No.20921/2017/Q2. Subsequently, technical sanction was also granted by the said competent authority vide proceedings dated 24 May 2017. Based on these twin sanctions viz., administrative and technical, public tenders were invited by the Joint Commissioner/Executive Officer on 07 June 2017 in R.C.No.230/2015/F1. Since it has been demonstrated that tender notification was issued only after securing permission from the competent authority, there is absolutely no foundation or basis for the writ petition to stand. The learned Special Government Pleader appearing for the respondents pointed out that the writ petition is vexatious and pressed for costs.

5.On account of the interim order granted by this Court, the third respondent could not proceed with the tender process. Now, they will have to issue a fresh notification, which would necessarily lead to duplication of expenditure. According to the respondents, a sum of Rs.1,96,934/- was spent on advertisement alone. It had gone waste. The tender notification relates to reconstruction of a dilapidated stone mandapam. In this regard, the attention of this Court was drawn to the inspection report dated 28 March 2015, filed by the Department of Archelological Survey of India. The learned Special Government Pleader assured this Court that the rennovation work would be carried out by adhering to the conservation measures recommended by the archelological experts. We place on record the said submissions. Consequently, we direct the third respondent to ensure that the conservation measures recommended in the inspection report of Superintending Engineer of Archelolgy is adhered to while carrying



6. We find no merit in this writ petition. There is no public interest involved. On the other hand, public interest has been prejudiced by the institution of the present writ proceedings. As rightly pointed out by the learned Special Government Pleader appearing for the respondent, the sum of Rs.2 lakhs spent towards advertisement of tender notification has completely gone waste. The entire process will have to be redone. It is the writ petitioner who solely responsible for this. We censure his conduct. Taking into consideration the plea put forth by the learned counsel for the writ petitioner that the President of the writ petitioner Association is a retired temple servant, we refrain from imposing exemplary cost though the situation very much warrants the same.

7. For the forgoing reasons, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,  
Tourism, Culture and Endowments Department,  
Secretariat, Chennai.
2. The Commissioner,  
Hindu Religious and charitable Endowments Department,  
Chennai.
3. The Joint Commissioner /Executive Officer,  
A/M Meenakshi Sundareswarar Temple,  
Madurai.

+1cc to M/S.V.R. Shanmuganathan, Advocate SR.No. 65554  
+1cc to Special Government Pleader, SR.No. 65678

W.P. (MD) No. 11428 of 2017  
13.07.2017

Arul/skm  
JM/JC/SAR 1/27.07.2017/3P/6C