



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.16265 of 2017

S.Sundara Manikanda Eswari .. Petitioner

Vs.

1. The Commissioner,
The office of Commissioner,
Hindu Religious and Charitable Department,
Chennai.

2. The Joint Director,
Hindu Religious and Charitable Department,
Alagarkovil,
Madurai District.

3. The Deputy Commissioner/Executive Officer,
Hindu Religious and Charitable Department,
Kalalazhar Temple, Alagarkovil,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance a writ of Mandamus, directing the respondents to permit the petitioner to have an Aavin Booth in the Alagarkovil campus near the flower and coconut shops by considering the representation of the petitioner dated 21.02.2017 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents 1 and 2 : Mr.M.Alaguthevan,
Special Government Pleader

For Respondent -3 : Mr.S.Manohar

ORDER

This writ petition is filed seeking for issuance of a writ of Mandamus, directing the respondents to permit the petitioner to have a Milk Booth in the Alagarkovil campus near the flower and coconut shops by considering the representation of the petitioner dated 21.02.2017 within a time frame.



2.The learned counsel appearing for the petitioner would submit that the petitioner is a physically challenged person and has completed 10th standard. On 27.11.2014, she submitted an application to the first respondent, seeking permission to have Aavin Booth at Alagarkovil Campus, Madurai and the same was rejected by the first respondent by proceedings Oo.Mu.No.64125/2014/M1, dated 08.12.2014, stating that as per G.O.Ms.No.25, dated 29.01.2008, the temple property should not be leased out or sold to a private party. In this regard, the petitioner approached the General Manager, Milk Producers Union Limited, to permit her to sell Aavin products, who in turn, forwarded the same to the first respondent by his letter in Na.Ka.No.1977/Sales, 1/2014, dated 17.12.2014.

3. According to the learned counsel, the petitioner submitted applications on 02.01.2015 and 17.02.2016, to the first respondent and subsequently, the first respondent vide proceedings Oo.Mu.No.678/2015/M1, dated 09.01.2015 and Oo.Mu.No.9100/2016/M1, dated 25.02.2016 respectively, directed the third respondent to take necessary action on the applications of the petitioner. The third respondent, vide communication Na.Ka.No.185/2015/A1, dated 20.02.2015, informed the petitioner that the shops are let out only by way of public auction and if the petitioner participates and quotes higher amount in the auction, it will be allotted to her, subject to the approval of the Commissioner.

4. Pointing out that permission was granted in the name of Aavin on monthly rent basis, at Thiruchendhur Temple, as per the information given by the Joint Commissioner / Administrative Officer, Arulmigu Subramaniya Swamy Thirukovil, Thiruchendhur, vide letter Na.Ka.No.271/2016/U(4), dated 02.02.2016 under the Right to Information Act, she once again on 28.03.2016, submitted an application to the third respondent, which followed by a reminder on 21.02.2017, seeking permission. However, so far, no action has been taken on her applications and therefore, she has come before this Court by filing this Writ Petition.

5.The learned Special government Pleader appearing for the respondents would submit that the applications of the petitioner will be considered on merits, within the time stipulated.

6.Considering the limited scope of the relief sought for, this Court, without going into the merits of the case, directs respondents to consider the application of the petitioner, dated 28.03.2016, which followed by a reminder on 21.02.2017, and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing, within a period of six months from the date of receipt of a copy of this order.



7. With the above directions, the writ petition is disposed of.
No Cost.

Sd/-
Assistant Registrar (CS-II)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
The office of Commissioner,
Hindu Religious and Charitable Department,
Chennai.
2. The Joint Director,
Hindu Religious and Charitable Department,
Alagarkovil,
Madurai District.

+ 1 cc TO Mr.S.C.Herold Singh , Advocate in SR No. 80251
+ 1 cc TO Mr.S.Manohar , Advocate in SR No. 80739

dsk
AE/KK/SAR3/12.10.2017/3P/5C

ORDER MADE IN
W.P (MD) No.16265 of 2017
21.09.2017