

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 12.10.2017****CORAM:****THE HONOURABLE MR.JUSTICE R.MAHADEVAN****W.P(MD)No.18306 of 2017****and****W.M.P(MD)No.14765 & 14766 of 2017**

C.Selvaraj

... Petitioner

Vs.

1.The Commissioner

Hindu Religious & Charitable Endowments

119, Uthamar Gandhi Salai,

nungambakkam chennai - 600 034

2.The Joint Commissioner / Executive Officer

Kanyakumari District Thirukovilgal,

Head office : Suchidram

Kanyakumari Distirct.

3.The Manager,

Arulmighu Bagavathyamman Thirukovil

Kanyakumari Distirct.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order of the second respondent dated 12.09.2017 in Na.Ka.No.384/2017/B1 and quash the same.

For Petitioner : Mr.N.Dilipkumar

For R.1 : Mr.J.Gunaseelan Muthiah,
Government Advocate

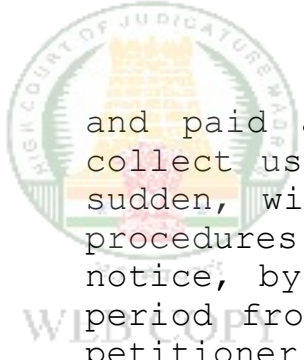
For R.2 & R.3 : Mr.K.Sathiyasingh

ORDER

This writ petition has been filed, seeking to quash the impugned order in Na.Ka.No.384/2017/B1 dated 12.09.2017 passed by the second respondent, by which tender awarded to him was cancelled.

2. Heard the learned counsel appearing on either side.

3. It is the case of the petitioner that the petitioner participated in the tender held on 12.06.2017 by remitting a sum of Rs.2,00,000/- as caution deposit and became a successful bidder



and paid a total sum of Rs.8,50,000/- for obtaining rights to collect user fee from petty vendors. The 2nd respondent, all of a sudden, without even giving any notice and without following the procedures contemplated under law, has issued the present impugned notice, by cancelling the said auction held in his favour for the period from 01.07.2017 to 30.06.2018. Aggrieved by the same, the petitioner has come before this Court with the above said prayer.

4. The learned counsel for the petitioner would submit that there is violation of principles of natural justice, inasmuch as no prior notice had been issued to the petitioner by the respondents before taking such an unilateral decision of cancellation of auction, which submission is not stoutly refuted by the learned counsel for the respondents 2 & 3.

5. Hence, finding force in the contention raised by the petitioner, this writ petition is allowed and the impugned order dated 12.09.2017 passed by the 2nd respondent is set aside. The matter is remitted to the 2nd respondent for fresh consideration, who, in turn is directed to re-do the entire exercise and arrive at a decision either way, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties, if any. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

The Commissioner Hindu Religious & Charitable Endowments
119, Uthamar Gandhi Salai,
nungambakkam chennai - 600 034

+1cc to M/S.N.DILIP KUMAR, Advocate SR.No.82590
+1cc to M/S.K.SATHIYA SINGH, Advocate SR.No.82601
+1cc to Special Government Pleader, SR.No.82873

rm

MAS/JC/SAR2:02.11.2017:2P-5C

W.P(MD)No.18306 of 2017

12.10.2017