



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.02.2017

CORAM

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABABU

W.P(MD)No.2700 of 2017

and

W.M.P(MD)No.2245 and 2246 of 2017

M.Sankar Ganesh

..Petitioner

Vs

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai, Tirunelveli District.

2.Arulmighu Gopalakrishnasamy Vagaira Thirukkoil,
Krishnapuram, Kadayanallur,
Tirunelveli.
Represented by its Executive Officer,
Hindu Religious and Charitable Endowment Department.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned tender notification of the second respondent and to quash the same and to direct the second respondent to conduct the fresh tender.

For Petitioner :Mr.J.Anand Kumar
for MR.M.Palani

For Respondent-1 :Mr.C.Selvaraj
Spl.Govt.Pleader

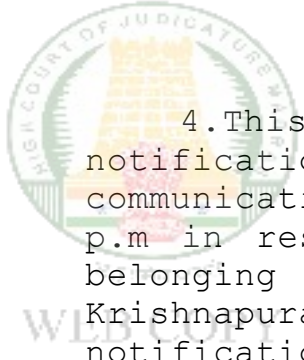
For Respondent-2 :Mr.S.Manohar

ORDER

The Petitioner seeks for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned tender notification of the second respondent and to quash the same and to direct the second respondent to conduct a fresh tender.

2.Mr.C.Selvaraj, learned Special Government Pleader takes notice for the first respondent and Mr.S.Manohar, learned counsel takes notice for the second respondent.

<https://hcservices.equib.gov.in/hcservices> of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.



4.This Writ Petition is filed challenging the tender notification issued by the second respondent, dated Nil, communicating that the auction will be held on 16.2.2017 at 3.00 p.m in respect of punja lands measuring 10 acres and 51 cents belonging to Arulmighu Gopalakrishnaswamy Thirukkoil, Krishnapuram. The Writ Petitioner sought to challenge the above notification mainly by contending that the same was issued without following the due procedure as contemplated under the Tender Transparency Act. It is the specific contention of the Petitioner that except affixing the notification in the Notice Board, the respondents have not issued any paper publication.

5.I have perused the impugned notification. A careful perusal of the same would reveal that it is bereft of material particulars as to what right is sought to be given by way of auction. Except stating that auction will be conducted on 16.2.2017 in respect of the land belonging to the temple, the impugned auction notice does not state with material particulars as to what right is sought to be given in auction. Needless to say that auction notification should contain all the material particulars, so that there will not be any ambiguity while conducting the auction. It is also not in dispute that except affixing in the Notice Board, the respondents have not published the auction notification in any daily newspapers.

6.The learned counsel for the second respondent has fairly concede that material particulars is absent in the auction notification. He also submitted that fresh auction notification will be published by following due procedure.

7.Considering the above-stated facts and circumstances, this Writ Petition is allowed and the auction notification impugned herein is set aside, however, with liberty to the second respondent to issue fresh notification by following the due procedure as contemplated under law. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar[CS-I]

/True copy/

Sub Assistant Registrar

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai, Tirunelveli District.

+1cc to Mr.M.Palani,Advocte,SR.8575
+1cc to Mr.S.Manohar,Advocate,SR.8843



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and
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