

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM**W.P. (MD) No. 12167 of 2011**

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C.K.Radhakrishnan

...Petitioner

-Vs-

1. The Commissioner,
Hindu Religious and Charities Endowments,
No.119, Nungambakkam High Road,
Chennai-600 034.
2. The Joint Commissioner,
Hindu Religious and Charities Endowments,
Madurai.
3. Sri Kottai Mariamman Thirukovil,
rep. By its Hereditary Managing Trustee-G.Gopalan,
Dindigul-624 001.
4. The Commissioner,
Dindigul Municipality,
Dindigul.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent 1 to 3 to lease/rent out the 23 commercial shops in the 1st floor built over and above the existing Ground Floor Commercial Complex near the main entrance of the 3rd respondent Temple on the Southern side, by way of public auction by following the due process of law.

For Petitioner	: Mr.C.K.Vishnupriya
For R1 & R2	: Mr.A.Muthukaruppan, Additional Government Pleader.
For R3	: Mr.S.Manohar
For R4	: Mr.P.Srinivas

O R D E R

The petitioner has come up with the present Writ Petition for issuance of a Writ of Mandamus, directing the respondent 1 to 3 to lease/rent out the 23 commercial shops in the 1st floor built over and above the existing Ground Floor Commercial Complex near the main entrance of the 3rd respondent Temple on the Southern side, by way of public auction by following the due process of law.

2. Heard Mr.C.K.Vishnupriya, learned counsel appearing for the



petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.S.Manohar, learned counsel appearing for the third respondent and Mr.P.Srinivas, learned counsel appearing for the fourth respondent.

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3.Mr.S.Manohar, learned counsel appearing for the third respondent would submit that as per order of the Commissioner, HR &CE (Hindu Religious and Charities Endowments), 23 shops were leased out to the tenants, who were already in occupation. It is further submitted that in M.P.(MD).No.1 of 2011, this Court refused the prayer to bring the shops for public auction. It is further submitted that period itself is over. Hence, the prayer sought for in the Writ petition has become infructuous.

4.In view of the above submission, this Writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious and Charities Endowments,
No.119, Nungambakkam High Road,
Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charities Endowments,
Madurai.
- 3.Sri Kottai Mariamman Thirukovil,
rep. By its Hereditary Managing Trustee-G.Gopalan,
Dindigul-624 001.
- 4.The Commissioner,
Dindigul Municipality,
Dindigul.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 78821

+1cc to Mr.P.SRINIVAS Advocate in SR. No. 79009

+1cc to Mr.S.MANO HAR Advocate in SR. No. 78895

MSA/DSS

JS/MR.KKR/SAR.1/22.09.2017/2P-8C

W.P. (MD) No.12167 of 2011

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