

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No.1281 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of the learned Single Judge in W.P. No. 4412 of 2017 dated 23.6.2017. The appellant herein is the petitioner in the writ petition wherein he sought a mandamus to declare the action of respondent Nos. 1 to 4 in allowing the 5th respondent to interfere with the affairs of the subject temple, in calling for tenders for renovation of the temple, and in allotting the work in favour of the 6th respondent, as without authority of law, arbitrary and illegal.

In the order under appeal, the learned Single Judge observed that the 5th respondent was appointed as the single trustee for the subject temple till recovery of the temple lands; the 5th respondent was not directly involved in the affairs of the temple, but was doing so only under the directions of the 4th respondent who had contributed amounts for renovation and other repair works; the 6th respondent had proceeded with renovation only as per the directions of the 4th respondent, and under his supervision; and the 5th respondent was only helping the 6th respondent in execution of the work.

While, it does appear from the newspaper clippings that the 5th respondent had invited tenders, the Commissioner, Endowments has, by proceedings dated 30.3.2016, accorded approval for entrusting the work to the lowest tenderer.

Learned Government Pleader for Endowments would submit that the work is being supervised by the 4th respondent alone; and, while the 5th respondent may be assisting him, the work is now being executed solely under the supervision of the 5th respondent.

In the light of the submission of the learned Government Pleader, that it is only the 4th respondent who is supervising the work executed by the 6th respondent, we see no reason to interfere with the order under appeal as the jurisdiction which this Court exercises under Clause 15 of the Letters Patent is limited to cases where the order suffers from a patent illegality, and the present order does not suffer from any such infirmity. Suffice it to direct the 2nd respondent to ensure that the work is executed by the 6th respondent solely under the supervision of the 4th respondent, and without interference from the 5th respondent.

The writ appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

4th September, 2017

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