



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.P. [MD] .No.3382 of 2018

G.Kathiravan

: Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner cum Executive Officer,
Arulmigu Subramaniasamy Temple,
Thiruchendur,
Thoothukudi District.

3.The Executive Officer,
Thiruchendur Town Panchayat,
Thiruchendur,
Thoothukudi District.

[R-3 impleaded as per the order of this Court
dated 18.09.2018 made in W.M.P.(MD)No.
4185 of 2018]

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the shops both temporary and permanent shop situated within the premises of Arulmigu Subramania Samy Temple, Thiruchendur, by considering the representation of the petitioner dated 15.12.2017, within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent No.1 : Mr.N.Shanmugaselvam,
Additional Government Pleader

For Respondent No.2 : Mr.M.Muthugeethaiyan

O R D E R

[Order of the Court was made by **M.M.SUNDRESH, J.**]

This Public Interest Litigation has been filed by the petitioner seeking a direction to remove the shops put up within the premises of Arulmigu Subramaniaswamy Temple, Thiruchendur.



2. Already, this Court has passed an order concerning the very same issue in W.P.(MD)No.19268 of 2018, dated 06.09.2018. It appears from the documents filed by the respondents that all the existing licensees have been removed and replaced in different unobjectionable places. They have been permitted to be in the said place for three years, after which, a fresh auction would be brought in. This Court, in the above said Writ Petition, has also made it clear that construction, if any, put up contrary to the conditions of the licence would not enure to the benefit of such violators.

3. Taking into consideration of the concern expressed by the petitioner, we are of the view that some more directions would be required to avoid commercial exploitation of the Temple precinct. Perhaps, that is the reason why, the present decision has been taken as per the order of the Commissioner dated 09.04.2018.

4. Accordingly, while disposing of the Writ Petition, we direct the respondents not to permit any shop in front of the Office of the Joint Commissioner, opposite to Raja Gopuram, around Vasantha Mandapam, nearby Annathana Koodam and Shanmuga Vilasam and opposite to Kalai Arangam. We pass this order in tune with the decision taken by the respondents, as the decision was taken in public interest, particularly, to ensure that the devotees can have safe passage both ingress and egress.

5. The submission made by the learned Standing Counsel appearing for the second respondent that it is proposed to construct a Kal Mandapam, after evicting the licensees, in the erstwhile place also stands recorded.

6. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS-I)

To
The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.



2.The Joint Commissioner cum Executive Officer,
Arulmigu Subramaniasamy Temple,
Thiruchendur,
Thoothukudi District.

WEB COPY

3.The Executive Officer,
Thiruchendur Town Panchayat,
Thiruchendur,
Thoothukudi District.

+1 CC To MR.M.MUTHUGEETHAYAN, Advocate SR. NO.85254
+1 CC To MR.S.C.HEROLD SINGH, Advocate SR. NO. 84911
+1 CC TO The Special Government Pleader SR.NO. 85645

**Order made in
W.P. [MD] .No.3382 of 2018**

SML

TR/RP/SAR-I (11.10.2018) 3P 7C