



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.7298 of 2018

and

W.M.P. (MD) No.6987 and 6988 of 2018

J.Thangaiah

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE Department,
Madurai.

2.Thakkar / Deputy Commissioner / Executive Officer,
A/M Pandi Muneeswarar Thirukovil,
Melamadai,
Madurai-20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to impugned tender notice with regard to Item No.3 in Na.Ka.No.112/2017/A1 dated 18.03.2018 of the second respondent and quash the same and consequently direct the respondents to permit the petitioner's family members to render the service of ear piercing without any tender.

For Petitioner	: Mr.S.Madhavan
For R1	: Mr.V.R.Shanmuganathan Special Government Pleader
For R2	: Mr.Aayiram K. Selvakumar Additional Government Pleader

ORDER

I do not find any infirmity in the impugned notification calling for tenders for the service of ear piercing. The petitioner may not be justified in seeking for quashing of the tender notice on the ground that they have been rendering the services for many generations. If at all the petitioner feels that he is justified in continuing the service, it is always open to him to participate in the tender.

2.It is further seen that the petitioner herein had filed an application in O.A.No.1 of 2018 under section 63-E of Hindu Religious and Charitable Endowments Act, seeking for recognition of his customary practice of ear piercing at Arulmigu Pandi Muneeswarar Kovil at Melamadai, Madurai.



3. It is in view of the pendency of the application that the petitioner seeks for quashing the tender notification. In the light of my earlier observation, the petitioner may not have the right to seek for quashing of the tender notification. However, it would be also appropriate that the respondent be directed to dispose the application within a stipulated time.

4. In the result, the writ petition stands disposed of with a direction to the first respondent to dispose of the petitioner's application in O.A.No.1 of 2018 filed under Section 63-E of the Hindu Religious and Charitable Endowments Act within 12 weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Joint Commissioner,
HR & CE Department,
Madurai.

2.Thakkar / Deputy Commissioner / Executive Officer,
A/M Pandi Muneeswarar Thirukovil,
Melamadai,
Madurai-20.

+1cc to M/S.K.Balasubramani, Advocate SR.No. 59737

+1cc to Special Government Pleader, SR.No. 59984

W.P. (MD) No.7298 of 2018
04.04.2018

pnn

JM/SKN RSK/SAR 2/19.04.2018/2P/5C