



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.19268 of 2018
and
W.M.P.(MD).No.17098 of 2018

S.P.Narayanan : Petitioner

Vs.

- 1.The Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Chepauk, Chennai.
 - 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Street,
Nungampakkam, Chennai.
 - 3.The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Thirukovil,
Tiruchendur, Thoothukudi District.
 - 4.The Trustee [Thakkar],
Arulmigu Subramaniaswamy Thirukovil,
Tiruchendur, Thoothukudi District.
- : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to hold public auction for the purpose of granting limited period of leasehold right so as to run the shops situated within, adjacent to and adjacently situated to the precincts of Arulmigu Subramaniaswamy Thirukovil, Tiruchendur, Thoothukudi District, on the strength of representations dated 03.05.2018 and 22.05.2018 within a time stipulated by this Court.

For petitioner : Mr.R.Anand

For respondents 1&2 : Mr.N.Shanmugaselvam
Additional Government Pleader

For Respondent Nos.3&4 : Mr.M.Muthugeethaiyan
Standing Counsel

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

This Writ Petition, styled as Pro Bono Publico, is to direct the respondents to hold public auction of the shops belonging to the third respondent temple.

2. Mr.M.Muthugeethaiyan, learned Standing Counsel appearing for the third respondent, would submit that in view of the fire accident occurred on 03.02.2018, all the existing shops in and around the temple were asked to vacate. Thereafter, a decision was taken to permit them to be in the new places for a period of three years as licensees subject to the conditions, imposed by the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai, dated 09.04.2018. The above conditions imposed by the Commissioner, Hindu Religious and Charitable Endowment Department, would indicate that what is given is only a license and after the expiry of the period of three years, a fresh auction will be conducted.

3. In view of the aforesaid submission, the grievance of the petitioner stands addressed sufficiently. When the existing licensees were asked to vacate the shops, naturally and necessarily, they have to be accommodated.

4. In such view of the matter, the decision of the respondents in granting the period of three years cannot be found fault with, more so, when the same is not challenged. However, on a perusal of the conditions imposed by the Commissioner, Hindu Religious and Charitable Endowment Department, we are of the view that the licensees are bound to hand over the vacant possession, after the expiry of period of license, in the event they fail to become successful bidders in the ensuing auction. Therefore, it is made clear that if any construction is made or put up by them, that will not give them any right, after the expiry of period of license. It is further made clear that after the expiry of the period of license, the respondents are bound to bring the shops for fresh public auction and therefore, there cannot be any question of extension of the license as well as the renewal.

5. The Writ Petition stands disposed of with the above observation. No costs. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)



To

1.The Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Chepauk, Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Street,
Nungampakkam, Chennai.

3.The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Thirukovil,
Tiruchendur, Thoothukudi District.

+1CC to Mr.M.Muthugeethaiyan, Advocate, SR.No. 82762

+1CC to the Special Government Pleader SR.No.83371

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NB

ES/PM/SAR 3/03.10.2018/3P/6C