



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.20406 of 2018

and

W.M.P. (MD) Nos.18176 and 18177 of 2018

Muthuraj

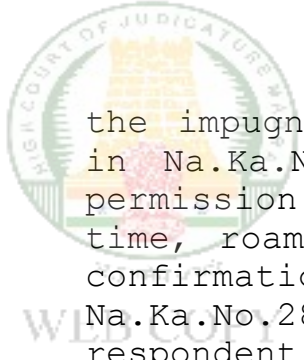
: Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowment,
119, Uthamar Gandhi Salai,
Nungambakam,
Chennai.
2. The Joint Commissioner/Executive Officer,
Arulmighu Subramaniya Swamy Thirukovil,
Thiruchendur.
3. The Thakkar,
Arulmighu Subramaniya Swamy Thirukovil,
Thiruchendur.
4. The Deputy Superintendent of Police,
Thiruchendur Division,
Thiruchendur.
5. The Inspector of Police,
Thiruchendur Temple,
Thiruchendur,
Thoothukudi District.
6. M.Chinnadurai

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to



the impugned tender notification issued by the second respondent in Na.Ka.No.2808/2018/E2, dated 02.05.2018 in respect to grant permission to collect license fee by private person from small time, roaming vendors in the temple campus and the consequential confirmation order passed by the second respondent in Na.Ka.No.2808/2018/E2, dated 19.07.2018 in favour of the sixth respondent and quash the same and direct the first and second respondents to survey and regularize the small and roaming vendors within the Arulmigu Subramaniasamy Temple campus, Thiruchendur Town, Thoothukudi District and allow the vendors to pay their license fee on monthly basis directly to the second respondent.

For Petitioner : Mr.M.Karthikeyavenkitachalapathy

For Respondents 1,4 & 5 : Mr.A.K.Baskarapandian,
Special Government Pleader

For Respondents 2 & 3 : Mr.M.Muthu Geethaiyan

For Respondent 6 : Mr.R.Murugan

O R D E R

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

After hearing the submissions, it is clear that already the successful tenderer has filed a Writ Petition in W.P.(MD)No.19596 of 2018, in which, there is an interim order.

2. The sum and substance of the grievance, as sought to be agitated by the petitioner, is that the small vendors may find it impossible to pay the licence fee. We are afraid that it is a matter which can be agitated in the pending Writ Petition. Incidentally, the other submission made that the sixth respondent herein, who is the petitioner in W.P.(MD)No.19596 of 2018, may not be interested in collecting the fees, in view of the prevailing situation, is also a matter to be considered by the learned Single Judge.

3. In such view of the matter, the Writ Petition stands disposed of giving liberty to the petitioner to file appropriate application seeking to implead himself as a party-respondent in W.P.(MD)No.19596 of 2018. It is made clear that all the issues are left open. We also make it clear that the learned Single Judge, in the event of allowing the impleading petition, is also at liberty to go into the issue as to whether the petitioner as well as the



small vendors can seek payment of lesser amount as the fees or not. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Commissioner,
Hindu Religious & Charitable Endowment,
119, Uthamar Gandhi Salai,
Nungambakam,
Chennai.
2. The Deputy Superintendent of Police,
Thiruchendur Division,
Thiruchendur.
3. The Inspector of Police,
Thiruchendur Temple,
Thiruchendur,
Thoothukudi District.

+ 1 CC TO MR.M.KARTHIKEYAVENKITACHALAPATHY, ADVOCATE IN SR NO.87205
+ 1 CC TO MR.M.MUTHU GEETHAIYAN , ADVOCATE IN SR NO.86871
+ 1 CC TO MR.R.MURUGAN , ADVOCATE IN SR NO.86649

SML

BU/PM/SAR-IV :11.10.2018 : 3P/7C

Order made in
W.P.[MD].No.20406 of 2018
Dated: 26.09.2018