



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.26843 of 2019

and

W.M.P(MD)Nos.23185 and 23186 of 2019

- 1.Tmt.Lalitha (shop Nos.2 & 3)
- 2.V.Binu (Shop No.4)
- 3.Baby (Shop No.6)
- 4.R.Krishnadhas (Shop Nos.5 & 7)
- 5.S.Ravichandran (Shop No.10)
- 6.K.Hari (Shop No.11)

... Petitioners

Vs.

The Joint Commissioner / Executive Officer,
Kanyakumari District Temples,
Susindram,
Agastheeswaram Taluk,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, calling for records relating to the proceedings of the respondent made in Na.Ka.No.1118/2019 B.1 dated 25.11.2019 published in Tamil Daily Dhina Thanthi and quash the same and consequently direct the respondent to extend the lease period in favour of the petitioners by fixing the appropriate rent.

For Petitioner : Mr.M.Suresh Kumar

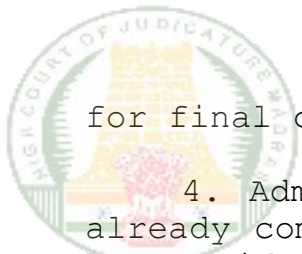
For Respondent :Mr.K.Sathiya Singh

ORDER

The writ petition has been filed seeking to quash proceedings of the respondent made in Na.Ka.No.1118/2019 B.1, dated 25.11.2019, in respect of Shop Nos.2, 3, 4, 6, 5, 7, 10 and 11 published in Tamil Daily Dhina Thanthi and consequently direct the respondent to extend the lease period in respect of the above said shops at Thirparappu, Kanyakumari District by fixing appropriate rent.

2.Mr.K.Sathiya Singh, learned Standing Counsel takes notice for the respondent.

3. By consent of both parties, the Writ Petitions are taken up



for final disposal.

4. Admittedly, for the above said shops, the lease period has already come to an end. It is claimed by the Petitioners that they have paid donation and also deposit has been made by them earlier, at the time of occupying the premises in question, donation cannot be refunded and making donation and seeking equity cannot be entertained.

5. Therefore, it is open to the Petitioners to participate in the auction to be held on 17.12.2019. However, a perusal of Condition No.5 in the tender notification states that the lessees, who are in arrears of rent or who had initiated litigations against the Devasthanam are dis-entitled from participating in the tender auction. When the lessee/person approached the Court for redressal of his grievance, that itself cannot disqualify a person from participating in the auction. Hence *de-hors* Condition No.5 of tender notification, the Petitioners are permitted to participate in the auction to be held on 17.12.2019. The Petitioners are also entitled for refund of the deposit amount whatever they made earlier, though they are not entitled for the refund of donation made by them. Refund of the deposit should be made on condition that the Petitioners hand over the key of their respective shops to the authorities concerned.

6. With the above observations, the Writ Petition disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

pm

To

The Joint Commissioner / Executive Officer,
Kanyakumari District Temples,
Susindram,
Agastheeswaram Taluk,
Kanyakumari District.

W. P (MD) No. 26843 of 2019

16.12.2019

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