



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.26451 and 26453 of 2019

and

W.M.P(MD)Nos.22868,22870,22873 and 22876 of 2019

WEB COPY

1.G.Thambiraj ... Petitioner in W.P(MD)No.26451 of 2019

2.J.Suresh Kumar ...Petitioner in W.P(MD)No.26453 of 2019

Vs.

The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Susindram,
Agastheeswaram Taluk,
Kanyakumari District.
both W.Ps'

... Respondent in

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the respondent made in Na.Ka.No.1118/2019 B.1, dated 25.11.2019, in respect of Shop Nos.8 and 16 published in Tamil Daily Dhina Thanthi and quash the same and consequently direct the respondent to extend the lease period in respect of Shop Nos.8 and 16 at Thirparappu, Kanyakumari District by fixing appropriate rent.

For Petitioner : Mr.R.Murali
in both W.Ps'
For Respondent :Mr.K.Sathiya Singh
in both W.Ps' Standing Counsel

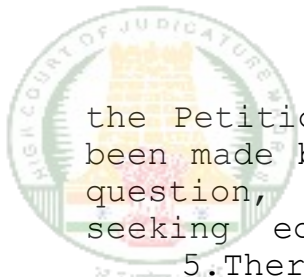
COMMON ORDER

These Writ Petitions have been filed seeking to quash the proceedings of the respondent made in Na.Ka.No.1118/2019 B.1, dated 25.11.2019, in respect of Shop Nos.8 and 16 published in Tamil Daily Dhina Thanthi and consequently direct the respondent to extend the lease period in respect of Shop Nos.8 and 16 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.W.P(MD)No.26451 of 2019 relates to Shop No.8 and W.P(MD) No.26453 of 2019 relates to Shop No.16. Admittedly, for these two 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 the 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, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

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

+2 CC to M/s.M.SURESH KUMAR, Advocate (SR-104767[F] dated 13/12/2019), 104768

+1 CC to M/s.K.SATHIYASINGH, Advocate (SR-104864[F] dated 13/12/2019)

W.P (MD) No.26451 and 26453 of 2019

and

W.M. P (MD) Nos.22868,22870,22873 and

22876 of 2019

12.12.2019

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