



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.12.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD)No.26651 of 2019
and
W.M.P. (MD)Nos.22982 and 22983 of 2019

Maheen

... Appellant

Vs.

1.The Secretary to Government,
Tourism Culture and Religious Endowment Department,
Secretariat, Chennai-9.

2.The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai-34.

3.The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suseendaram,
Kanyakumari District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records relating to the impugned proceedings of the third respondent in Na.Ka.No.1118/2019/B1 dated 25.11.2019 and quash the same as illegal and ultra vires of the Constitution of India.

For Petitioner	: Mr.K.Hemakarthiskeyan
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader for R.1 and R.2
	: Mr.K.Sathya Singh for R.3

ORDER

[Order of the Court was delivered by **M.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition as a Public Interest Litigation to issue a writ of certiorari to call for the records relating to the impugned proceedings of the third respondent dated 25.11.2019 and quash the same.



2. It is the case of the petitioner that the third respondent had issued the auction notice dated 25.11.2019 in respect of shops belonging to the temple. The main grievance of the petitioner is that in Clause No.25 of the terms and conditions of the auction, the third respondent had imposed the condition stating that only the Hindus can participate in the tender-cum-auction. The petitioner contended that imposing such a condition is violative of the Constitution of India and therefore the same has to be set aside.

3. The learned Counsel appearing for the third respondent submitted that since the shops are also situated inside the temple premises, Clause No.25 has been incorporated in the terms and conditions of the auction. That apart, the learned Counsel appearing for the third respondent also submitted that in W.P.(MD)No.25331 of 2019, this Court, on 10.12.2019, had directed the authorities to conduct the auction. Further the learned Counsel submitted that the said writ petition was filed by the petitioner therein challenging the very same auction notice and that, only based on the directions given by this Court, the auction is scheduled to be held on 17.12.2019.

4. Since the third respondent is conducting the auction only based on the order passed by this Court in W.P.(MD)No.25331 of 2019, which has been challenged by the petitioner therein, we do not find any justification in the petitioner in filing the present writ petition, that too as a Public Interest Litigation. We agree with the submission made by the learned Counsel appearing for the third respondent. Therefore, we do not find any error or irregularity in the terms and conditions of the auction notice dated 25.11.2019.

5. The Writ Petition is devoid of merits and the same is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

Ssl

To

1.The Secretary to Government,
Tourism Culture and Religious Endowment Department,
Secretariat, Chennai-9.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai-34.

3.The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suseendaram,
Kanyakumari District.

+1.CC. To Mr.K.Hemakarthiskeyan, Advocate in SR No.105512

+1.CC. To Mr.K.Sathya Singh, Advocate in SR No.105372

+1.CC. To Spl. Govt. Pleader, in SR No.105579

W.P. (MD) No.26651 of 2019

16.12.2019

MK (02.01.2020) 3P 7C