



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9783 of 2020

P.Muthuraja

... Petitioner

Vs.

The Executive Officer,
Arulmigu Madhana Gopala Swami Thirukoil,
West Masi Street,
Madurai-625 001.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to extend an one month time to allow the petitioner for collect market fees from the vendors at Arulmigu Vengala Moorthy Ayyannar Thirukovil by considering the petitioner's representation dated 25.07.2020 within the time stipulated by this Court.

For Petitioner : Mr.Malaikani

For Respondent : Mr.S.Manohar

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent Temple.

2.The petitioner was granted license to collect fees from the users of the market belonging to the respondent temple. The lease period ended on 30.07.2020. The petitioner seeks extension of license period by one more month.

3.The petitioner's counsel reiterated the contentions set out in the affidavit filed in support of the writ petition. According to the petitioner, on account of lock down restrictions, the market either did not run or ran under highly restricted hours. Since the petitioner had been put to loss, the petitioner wants this Court to direct the respondent temple to grant extension sought for.

4.Though the situation of the petitioner can very well be understood by this Court, I am afraid that I cannot grant relief.

5.As rightly contended by the learned counsel appearing for the respondent, the license period itself is already over. The



representation itself was given only after expiry of the license period. COVID-19 had struck everybody. It is not as if the petitioner is an unique victim. When the fate had hit both the parties in equal measure, obviously, one party alone cannot expect the Court to come to his rescue. In any event, as rightly pointed out by the learned counsel appearing for the respondent, any grant of relief to the petitioner would amount to rewriting the terms of contract.

6.I am principally swayed by the learned counsel for the respondent that license period itself is already over. If the petitioner has any claim against the respondent, the same will have to be established only in regular civil proceedings. It is not possible for this Court to grant any relief in exercise of writ jurisdiction under Article 226 of the Constitution of India. Giving liberty to the petitioner to work out his rights elsewhere, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO:

The Executive Officer,
Arulmigu Madhana Gopala Swami Thirukoil,
West Masi Street,
Madurai-625 001.

+1 CC to M/s.S. MANOHAR, Advocate (SR-16298[F] dated
09/09/2020)

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NR (18.09.2020) 2P 3C