



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10064 of 2020

and

W.M.P (MD)No.8965 of 2020

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M.Arjunan

... Petitioner

Vs.

1.The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Srinivasa Nagar, Thiruvanaikoil,
Trichy - 620 005.

2.The Assistant Commissioner
Hindu Religious and Charitable Endowments Department,
South Raja Street, Pudukkottai Municipality Lane,
Pudukkottai - 622 001.

3.The Inspector / Thakkar
Hindu Religious and Charitable Endowments Department,
Avudaiyarkovil,
Office at Sri Veeramakaliamman Temple,
Aranthangi - 614 616, Pudukkottai District.

4.The Executive Officer
Hindu Religious and Charitable Endowments Department,
Arulmigu Kalayanaramar Thirukovil,
Mimisal, Avudaiyarkovil Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order dated 10.8.2020 passed by the fourth respondent and quash the same as illegal and consequently directing the respondents to provide another one opportunity to collect the Market Toll (Magamai) in respect of Weekly and Daily Market belongs to Arulmigu Arunachaleswarar Temple [Schedule Temple 46(ii)] situated at Sivan Kovil Campus, Manamelkudi Town, Pudukkottai District, to the petitioner by way of extending one year 2020-2021 (Fasli 1430) for compensating the loss occurred to the petitioner in last year 2019-2020 (Fasli 1429).

For Petitioner	: Mr.A.N.Ramanathan
For Respondents 1 to 3	: Mr.K.P.Narayanakumar, Special Government Pleader
For 4th Respondent	: Mr.Madhavan Government Advocate



O R D E R

Heard the learned counsel appearing for the writ petitioner, learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Government Advocate appearing for the fourth respondent.

2.The petitioner was a successful bidder and he was granted license to collect fees from the users of market belonging to Arulmigu Arunachaleswarar Temple, Sivan Koil Campus, Manamelkudi Town, Pudukkottai District. The license period expired on 30.06.2020. The grievance of the petitioner is that on account of Covid-19 pandemic out-break, the market in question remained closed and that he could not enjoy the fruits of the license. The petitioner, therefore, applied for extension of the license period. The petitioner's request was not accepted by the fourth respondent, who had issued the impugned tender notice. Challenging the same, this writ petition came to be filed.

3.In the meanwhile, the Commissioner, Hindu Religious and Charitable Endowments Department, had issued an advisory calling upon the Executive Officers of the respective Temples to sympathetically consider the loss suffered by the licensees and grant corresponding extension of time.

4.Taking note of the aforesaid advisory issued by the Commissioner, Hindu Religious and Charitable Endowments Department, the fourth respondent submits that if the petitioner undertakes to handover the market on the evening of 17.11.2020, the fourth respondent would leave it to this Court to pass appropriate orders.

5. I take note of the fact that on account of Covid-19 pandemic outbreak, the market suffered closure. Therefore, I direct the fourth respondent to permit the petitioner to continue to be a licensee, till 17.11.2020. This extension of license period is given based on the petitioner's undertaking given through his counsel that he would not engage the fourth respondent in any further litigation and without any default, the market will be handed over to the fourth respondent.

6. I make it clear that any delay on the part of the petitioner will invite consequences. It is open to the fourth respondent to conduct tender process with regard to issuance of license for the period from 18.11.2020. The petitioner can of-course, take part in the tender process.



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7.This Writ Petition is allowed, in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// 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

- 1.The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Srinivasa Nagar, Thiruvanaikoil,
Trichy - 620 005.
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- 4.The Executive Officer
Hindu Religious and Charitable Endowments Department,
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W.P (MD) No.10064 of 2020

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SCR(CO)

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