



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12783 of 2020

and

W.M.P. (MD)Nos.10853 & 10854 of 2020

WEB COPY

R.Ranjith Kumar

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Nungampakkam,
Chennai.

2.The Joint Commissioner,
HR & CE Department,
H306, TNHB Colony,
Ellis Nagar, Madurai District.

3.The Assistant Commissioner,
HR & CE Department,
63, Officers Colony,
Alagar Koil Main Road,
Madurai District.

4.The Executive Officer,
Arulmigu Kallalagar Thirukoil,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to recall the tender notification in Na.Ka.No.400/2020/A4/dated 03.09.2020 on the office of the third respondent in respect of 9th item and subsequently, extend the tender period in favour of the petitioner as similar order passed by the first respondent in O.Mu.No.24452/2020/U4, dated 07.09.2020 in respect of Jambukeshwarar Thirukoil, Thivanaikaval Trichy.

For Petitioner	: Mr.K.Neethimohan
For R1 to R3	: Mr.K.P.Narayanakumar Special Government Pleader
For R4	: Mr.K.R.Laxmanan

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R3 and the learned counsel appearing for R4.



2.The petitioner was granted licence by the fourth respondent to collect fees from the users of the parking lot. On account of COVID-19, the temple was closed and the petitioner could not enjoy the fruits of the license. In order to take care of his interest of such licensees who suffered loss, the Commissioner of HR & CE Department has benevolently issued an advisory calling upon the licensees to approach the concerned trustees of the temple, so that, their cases could be considered. The petitioner had submitted a representation dated 07.06.2020 in this regard.

3.The learned counsel appearing for the fourth respondent also brings it to my notice that the fit person of the temple had passed a resolution for recommending the extension of the license period by one hundred and three more days. In fact, the fourth respondent had recommended the case of the petitioner for approval by the first respondent.

4.I notice that the first respondent had already issued an advisory in this regard. The fourth respondent had also passed a resolution recommending the case of the petitioner. Therefore, there is no formal necessity to get approval from the first respondent.

5.Taking into account the facts and circumstances and the orders passed by the other trustees and fit persons and the other temples coming under HR & CE Department, I direct the fourth respondent to extend the license period of the petitioner by one hundred and three more days. The learned Special Government Pleader informs the Court that this period will end on 08.01.2021.

6.The petitioner through his counsel gives an undertaking that on the evening of 08.01.2021, the petitioner will surrender the license and that, he will not entangle in any further litigation. It is open to the temple to conduct tender process well in advance, so that, the successful tenderer can take license from 09.01.2021 onwards. Of-course, the petitioner can also take part in the fresh tender. The fourth respondent temple, in my view, can conclude the entire tender process well before the said date.

7.This Writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADII)

// 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 Commissioner,
HR & CE Department,
Nungampakkam,
Chennai.
- 2.The Joint Commissioner,
HR & CE Department,
H306, TNHB Colony,
Ellis Nagar, Madurai District.
- 3.The Assistant Commissioner,
HR & CE Department,
63, Officers Colony,
Alagar Koil Main Road,
Madurai District.
- 4.4.The Executive Officer,
Arulmigu Kallalagar Thirukoil,
Madurai.

+1 CC to M/s.SPL GP (SR-18367[F] dated 29/09/2020)

W.P. (MD) No.12783 of 2020
28.09.2020

SRK(CO)
KB(12.10.2020) 3P 6C