



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.12613 and 12631 of 2020

and

W.M.P.(MD)Nos.10753 and 10764 of 2020

WEB COPY

S.Karthik	... Petitioner in W.P.(MD)No.12613 of 2020
P.Vellaithai	... Petitioner in W.P.(MD)No.12631 of 2020

Vs.

- 1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Madurai.
- 3.The Executive Officer,
Sri Moongilanai Kamatchiamman Temple,
Devathanapatti Post,
Periyakulam Taluk,
Theni District. ... Respondents in both W.Ps

Common Prayer: Writ petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to extend the petitioner's lease period for running the shop to sell flower and garland and coconut, banana and betel nut respectively in front of the 3rd respondent temple by considering the petitioner's representation dated 10.09.2020.
(in both W.Ps)

For Petitioner	: Mr.S.Madhavan
For Respondents	: Mr.R.Murugaraj,
	Government Advocate for R1 & R2.
	: Mr.V.Chandra Sekar for R3

C O M M O N O R D E R

Heard the learned counsel on either side.

2.The writ petitioners were granted license to vend pooja items outside the premises of the third respondent temple. The petitioners had also paid the necessary fees. Their license period expired on 30.06.2020. The petitioners submitted that they could not enjoy the full license period on account Covid-19 outbreak.



Therefore, they want corresponding extension of the license period. In this regard, the Commissioner, Hindu Religious and Charitable Endowments Department issued an advisory. I am of the view that the petitioners are entitled to take the benefit of the said advisory. The learned counsel appearing for the third respondent points out that the petitioners were allowed to reopen the shops on 03.09.2020 itself. It is further stated that the temple was closed only for a period of 96 days. Therefore, giving corresponding extension, the extended period would expire on 06.12.2020. The petitioners have to necessarily surrender possession on the expiry of the said extended period. Of course, it is open to the petitioners to apply for fresh license.

3. These writ petitions are allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// 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,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Madurai.

+1 CC to M/s.GP (SR-18129[F], 18233 dated 25/09/2020)

W.P. (MD) Nos. 12613 and 12631 of 2020
25.09.2020

SCR(CO)

KB(12.10.2020) 2P 4C

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