



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12522 of 2020

and

W.M.P. (MD)Nos.10688 and 10690 of 2020

WEB COPY

R.Sethuraman

... Petitioner

Vs.

1.The Hindu Religious and Charitable Endowments

Department,

Rep. by its Commissioner,

119, Uthamar Gandhi Salai,

Nungambakkam,

Chennai-34.

2.The Joint Commissioner,

Office of the Joint Commissioner,

The Hindu Religious and Charitable Endowments

Department,

Madurai, Madurai District.

3.Arulmigu Pandi Muneeswarar Temple,

Rep. by its Hereditary Trustee,

Melamadai, Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.20/2020/Aa1 dated 09.09.2020 on the file of the third respondent and quash the same as illegal and consequently direct the third respondent to extend the period of license for collection of live animal offerings at Arulmigu Pandi Muneeswarar Temple for a period of 103 days within the time frame stipulated by this Court.

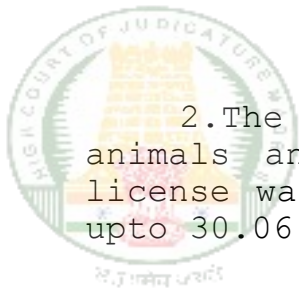
For Petitioner : Mr.T.Lajapathi Roy

For R1 and R2 : Mr.K.P.Narayanakumar
Special Government Pleader

For R3 : Mr.N.Rajaapanth

O R D E R

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent temple. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



2.The writ petitioner was granted license to collect the live animals and birds offered to the third respondent temple. The license was granted on 06.08.2019. The license was to be in force upto 30.06.2020.

3.The grievance of the petitioner is that on account of the outbreak of COVID-19, the third respondent temple was closed and the petitioner could not enjoy the fruits of license for the said period.

4.The petitioner points out that the third respondent now issued the impugned tender notification for issuing a fresh license.

5.It is seen that the Commissioner of H.R. & C.E., had issued a communication dated 01.06.2020, enabling the licensees who had suffered loss on account of the lock down restriction to move the temple management and apply for extension of time. Based on the aforesaid advisory issued by the Commissioner of H.R. & C.E., a number of Executive Officers had given the extension of the license period by 103 days more.

6.In fact I had also disposed of quite a few writ petitions on the same lines.

7.The third respondent temple falls within the purview of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959. The petitioner had taken license from the third respondent temple after paying the license fee for the period upto 01.06.2020. On account of COVID-19 pandemic, the petitioner had lost about 103 days. I am of the view that the petitioner should be treated on the same basis, as the other licensees of the other temples coming under the H.R. & C.E. Therefore, I direct the third respondent herein to issue license to the petitioner herein for the period of 103 days starting from tomorrow (i.e., on 24.09.2020). The third respondent can hold the auction for the period thereafter. The period of 103 days would expire on 4th January 2020.

8.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

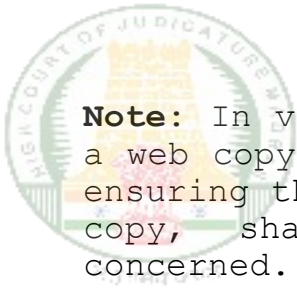
Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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.

WEB COPY

To:

- 1.The Commissioner,
The Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
The Hindu Religious and Charitable Endowments
Department,
Madurai, Madurai District.
- 3.The Hereditary Trustee,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-17906[F] dated 24/09/2020)

+1 CC to M/s.GP (SR-17962[F] dated 24/09/2020)

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SCR(CO)
KK(25.09.2020) 3P 6C