



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) NOS.25322, 25324,25326,25327 and 25378 OF 2019
and
W.M.P (MD) Nos.21898 to 21901 and 21938 of 2019

1.N.Velayudhan	:Petitioner in W.P (MD) No.25322 of 2019
2.V.Binu	:Petitioner in W.P (MD) No.25324 of 2019
3.Hareendrakumaran	:Petitioner in W.P (MD) No.25326 of 2019
4.Lalitha	:Petitioner in W.P (MD) No.25327 of 2019
5.R.Krishnadhas	:Petitioner in W.P (MD) No.25378 of 2019

.vs.

1.The Joint Commissioner/Executive
Officer,
Kanyakumari District Temples,
Susindrum,
Agastheeswaram Taluk,
Kanyakumari District.

2.The Manager,
Arulmighu Mahadevar Temple,
Thiruparappu,
Kanyakumari District.

: Respondents in all W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the second respondent, dated 19.10.2019 in respect of Shop Nos.12,4,9,2,3 and 5 and to quash the same and consequently to direct the respondents to extend the lease period in respect of Shop Nos.12,4,9,2,3 and 5 at Arulmighu Mahadevar Temple, Thirparappu, Kanyakumari District by fixing appropriate rent in terms of G.O.No.456, Tamil Development and Hindu Religious and News (Ani-4-2) Department, dated 9.11.2007.



For Petitioner
in all W.Ps'

: Mr.R.Murali

For Respondents
in all W.Ps'

: Mr.K.Sathiya Singh
Standing Counsel

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COMMON ORDER

These Writ Petitions have been filed seeking to quash the proceedings of the second respondent, dated 19.10.2019 in respect of Shop Nos.12,4,9,2,3 and 5 and consequently to direct the respondents to extend the lease period in respect of Shop Nos.12,4,9,2,3 and 5 at Arulmighu Mahadevar Temple, Thirparappu, Kanyakumari District by fixing appropriate rent in terms of G.O.No.456, Tamil Development and Hindu Religious and News(Ani-4-2)Department, dated 9.11.2007.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.In all these Writ Petitions, the Petitioners are lessees in respect of Shop Nos. 12,4,9,2,3 and 5 respectively of Arulmighu Mahadevar Temple, Thiruparappu, Kanyakumari District. Admittedly, the lease period of the above shops have come to an end. The Petitioners have made donations and security deposit at the time of occupying the above premises in question. Earlier, there was an auction notice issued by the respondents with respect to the above shops, but, however in view of the intervening of the local body elections, the auction was called off. Now these Petitioners are seeking extension of lease period in respect of the shops which they are now occupying. It is not very clear that the respondents are going to once-again lease the shops by Open Tender Auction or not. It is also stated that none of the Petitioners have any arrears of rent, as on date. In such circumstances, they are now seeking extension of lease.

4.In the above circumstances, it is open to the respondents either to bring the shops on public auction or decide to extend the lease of these lessees. In the event, the authorities decide to auction the shops, the representation of the Petitioners shall be disposed of before the decision for auction is taken and then take a call for auction. The Petitioners are also directed to pay the rent without any default. Either way, the above said exercise of leasing the shops by auction or by extending the licence of these Petitioners should be completed within a period of six weeks from the date of receipt of a copy of this order.



5. With the above directions, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1. The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Susindrum,
Agastheeswaram Taluk,
Kanyakumari District.

2. The Manager,
Arulmighu Mahadevar Temple,
Thiruparappu,
Kanyakumari District.

+4 CC to M/s.K.SATHIYASINGH, Advocate (SR-1138,1135,1136 & 1139 [F] dated 09/01/2020)

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-1158[F] dated 09/01/2020)

COMMON ORDER MADE IN
W.P (MD) NOS. 25322, 25324, 25326,
25327 and 25378 OF 2019
and
W.M.P (MD) NOS. 21898 to 21901
and 21938 of 2019

08.01.2020

PK (CO)

TR (05.02.2020) 3P 8C