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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.17508 OF 2021

AND

W.M.P.NOS.18607 & 18609 OF 2021

A.V.Senthil

...Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai.
- 2.The Assistant Commissioner,
Arulmighu Mariamman Vinayagar Thirukoil,
Pichampalayam,
Triuppur.
- 3.The Executive Officer,
Arulmighu Mariamman Vinayagar Thirukoil,
Pichampalayam,
Tiruppur.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the proceedings of the 2nd respondent made in Ve.A.No.165/2021/Se.Ma.Tho.A./Tiruppur dated 09/08/2021 published in news paper Daily Dinakaran Dated 09/08/2021 and quash the same consequently direct the 2nd respondent to extend the time for collection of the Parking Charges for vehicles for the non-operative Lockdown period.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.N.R.R.Arun Natarajan
Government Advocate



O R D E R

The auction notice published in newspaper "Daily Dinkaran" on 9.8.2021 is under challenge in the present writ petition.

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2. The petitioner states that he had participated to the tender and was declared as a successful bidder and as per the conditions he was paying the lease amount. Due to lockdown during the year 2020 the petitioner was unable to run the parking stand properly as it was closed down.

3. The petitioner was continuing under lease for about three years and the period expired on 30.6.2021. However, the respondents issued the auction notice without considering the representations submitted by the petitioner seeking extension of the lease period. Thus the petitioner is constrained to move the present writ petition.

4. The learned Government Advocate appearing on behalf of the respondents objected the contentions raised on behalf of the petitioner by stating that the petitioner was granted with a lease with effect from 1.7.2018 and the lease period expired on 30.6.2021. Considering the fact that the petitioner was unable to run the parking stand during lockdown period, extension of 54 days was given till 27.8.2021. Therefore, the request of the petitioner was considered by the authorities and he was permitted to run the cycle stand for about 50 days in addition to lease period and thus further extension was not granted.

5. This apart the property belongs to the temple and the event of extending lease without conducting fresh auction, the temple will sustain monetary loss and therefore, the respondents have published auction notice for the next period of 3 years.

6. Considering the facts and circumstances, this Court is of the opinion that extension of lease can never be claimed as a matter of right. Admittedly the petitioner was enjoying the lease from 1.7.2017 to 30.6.2021. The proceeding dated 9.8.2021 would reveal that extension of 54 days was granted to the writ petitioner to run the parking stand and only thereafter the auction notice was published. Therefore, the request of the petitioner for extension of lease was considered by the authorities competent and it was extended for about 54 days. This being the factum, the petitioner cannot seek any further extension and in the event of the extending the lease period the interest of the temple would be affected and this Court did not find any merit as such in respect of the grounds raised in the present writ petition.



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7. Thus the writ petition stands dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Nst

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai.
- 2.The Assistant Commissioner,
Arulmighu Mariamman Vinayagar Thirukoil,
Pichampalayam,
Triuppur.
- 3.The Executive Officer,
Arulmighu Mariamman Vinayagar Thirukoil,
Pichampalayam,
Tiruppur.

+1cc to the Government Pleader, S.R.No.42413

W.P.No.17508 of 2021

AD(CO)
PM/13/09/2021