



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.06.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.19620 of 2020
& WMP Nos.24245 & 24247 of 2020

Durai Enterprises,
(Indian Human Hair Exports)
Rep. By its Proprietor,
Thiru.P.Muthumohandoss,
No.408-A, Ragavanandha Nagar,
Patharakudi - 63- 307,
Karaikudi Taluk, Sivangangai District.
Vs.

...Petitioner

1.The Hindu Religious and
Charitable Endowments Department,
Rep. By its Commissioner,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.Arulmigu Bannari Mariamman Temple,
Bannari, Rep. by its Deputy Commissioner/
Executive Officer, Bannari,
Sathiyamangalam Taluk, Erode District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings in Na.Ka.No.227/2020/A6, dated 18.11.2020 issued by the 2nd respondent and impugned tender notification (third notice) Dated 01.12.2020, issued by the second respondent in so far as collecting of Hair offered by Worshippers in the second respondent temple and quash the same as illegal and consequently direct the second respondent to extend the writ petitioner's period of Right to Collect Hair for collection of hair offerings by the worshippers of second respondent till may 2021, within the time frame stipulated by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.N.R.R.Arun Natarajan,
Government Advocate
Mr.Karthik Sundaram - R4

O R D E R

The order under challenge is an order of rejection of the petitioner's representation seeking extension of period for tonsuring of hair in Arulmighu Bannari Mariamman Temple, Bannari, Sathiyamangalam Taluk, Erode District (temple) till May, 2021. Inter alia, there is also a challenge to Tender Notification dated 01.12.2020.



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2. The petitioner was granted licence for tonsuring of hair for the period 01.07.2019 to 30.06.2020. In the interim, on account of the COVID-19 pandemic, temples have remained closed to the public. Bearing in mind this fact, the authorities have extended the licence for a period of 103 days between 10.09.2020 and 12.12.2020.

3. The impugned order of rejection has come to be passed on the representation of the petitioner dated 07.11.2020 and a fresh auction has been conducted. The petitioner had also participated in the process of tender conducted on 01.12.2020, albeit unsuccessfully. The incumbent licensee, though not arrayed as a respondent in the present Writ petition, has been running the show since then and continues to do so presently.

4. When the matter came up for hearing on 14.06.2021, I had recorded the petitioner's reference to circular issued by the Commissioner dated 07.09.2020 in the context of the Samayapuram Mariamman Temple, wherein the Commissioner, Hindu Religious and Charitable Endowments Department (HR & CE) has extended the period of licence from 01.09.2020 till May, 2021. The petitioner had sought equal treatment in this regard.

5. Learned counsel for the respondent had sought a day's time to obtain instructions in this regard and it is thus that the matter is placed before me today.

6. A memo dated 15.06.2021 has been filed by the learned Government Advocate for the respondents, wherein a communication dated 14.06.2021 of the Executive Officer addressed to the learned Government Advocate is placed. Based on the same, learned Government Advocate would state that the request of the petitioner is itself only for extension of licence for a period of 103 days, i.e., from 10.09.2020 to 12.12.2020 and this has been accepted by the respondents.

7. As regards the procedure followed in Samayapuram Mariamman Temple, he would state that that would not be comparable with the procedure in this case and that different proposals are being put forth by the Trustees of different temples that are being duly considered by the HR & CE Department as and when requests are made. It is for the aforesaid reasons that the service tonsuring of hair was put to public auction on 01.12.2020, in which the petitioner has also participated.

8. In the light of the memo filed and the explanations put forth by the respondent, I find no justification in the request of the petitioner seeking quash of the tender notification dated 01.12.2020 and reject the same.



9. This Writ Petition is dismissed. No costs. Connected
Miscellaneous Petitions are also dismissed.
Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1.The Commissioner,
The Hindu Religious and
Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Deputy Commissioner,
Arulmigu Bannari Mariamman Temple,
Executive Officer, Bannari,
Sathiyamangalam Taluk, Erode District.

+1 cc to Government Pleader Sr.No. 27927

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LN(CO)
B.VC(22.07.2021)