



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1346 of 2021

and

W.M.P.(MD)Nos.1127 & 1128 of 2021

WEB COPY

M.Shanmugaiah

... Petitioner

-Vs-

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Ganthi Salai,
Nungambakkam,
Chennai-34.

2.The Deputy Commissioner / Administrative Officer,
Arulmegu Sankaranarayana Swamy Kovil,
Sankarankovil,
Tirunelveli District.

3.The Administrative Officer,
Arulmegu Sankaranarayana Swamy Kovil,
Sankarankovil,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent pertaining to its order bearing Ve.A.No.12/2021, se.ma.tho.a.thili, dated 11.01.2021 and to quash the same with regard to Serial No.2 and 3 and consequently, directing the respondents to grant extension of lease for the said properties from 01.07.2021 to 30.06.2024 by considering the request of the petitioner dated 15.01.2021 within a time frame that may be fixed by this Court.

For Petitioner

: Mr.S.C.Herold Singh

For R2 & R3

: Mr.V.R.Shanmuganathan

ORDER

Heard the learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the Temple 2 and 3.

2.The petitioner is an agriculturist. When the third respondent Temple issued a tender notification for leasing out the petition mentioned properties in the year 2018, the petitioner took part in the same and turned out to be a highest bidder. The three



year lease period is about to expire. Now the Temple has issued a fresh tender notification. Questioning the same, the Writ Petition has been filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pleaded certain hardships.

4.Though the petitioner's contention is appealing to my heart, I am afraid that I cannot accept the same. This is because, as rightly contended by the learned counsel for the Temple, the rights of the petitioner are squarely governed by the earlier lease terms. The petitioner has no right to seek renewal as such. More than anything else, the property in question belongs to the temple. Therefore, it is only the interest of the revenue of the temple that can clinch the issue. Of-course, the petitioner can very well participate in the impugned tender process. The learned counsel for the temple states that the petitioner has in-fact applied in response to the tender notification and is likely to participate also.

5.The question of interfering with the impugned tender notification does not arise. Therefore, preserving the petitioner's right to participate in the impugned tender process, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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.

+1 CC to SPL GP (SR-2811[F] dated 02/02/2021)

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VB (11.02.2021) 2P 2C

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