



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **N.KIRUBAKARAN**
and
THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

W.P. (MD) Nos.13655 & 13656 of 2019

and

W.M.P. (MD) Nos.10230 to 10233 of 2019

P.Thirumalaisamy ... Petitioner in WP.(MD).13655/19
K.Suresh @ Sureshkumar ... Petitioner in W.P.(MD).13656/19
Vs.

The Joint Commissioner / Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukoil,
Palani, Dindigul District. ... Respondent in both WPs

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned tender notification issued by the respondent in Na.Ka.No.635/2019/C3, dated 29.05.2019 fixing the auction date as 27.06.2019 at 11.30 am, quash the same and directing the respondent to extend the lease period of three years, by considering the petitioners' representation dated 13.06.2019.

For Petitioner : Mr.S.Madhavan

For Respondent : Mr.V.R.Shanmuganathan
(In both WPs)

C O M M O N O R D E R

B.PUGALENDHI, J.,

These writ petitions are filed by the petitioners challenging the tender notification issued by the respondent / Joint Commissioner cum Executive Officer of Arulmigu Dhandayuthapani Swamy Temple, Palani, dated 29.05.2019.



2. In the connected matters in W.P.(MD)Nos.17241 of 2019, etc., batch, this Court, on 22.03.2021, has passed the following order:

"29. We are of the view that the writ petitioners, having failed to make the payment of the fair rent fixed, after the expiry of lease period, are encroachers, as has been held by the Department and the Department has also rightly initiated action under Section 78 of the Act. The petitioners are in unauthorised occupation of the shops after the expiry of lease period. Moreover for more than a decade, the petitioners have not paid the rent properly. Therefore, this Court is not inclined to interfere with the impugned orders passed by the Government / first respondent in G.O.Ms.Nos.58, 57 & 56, Tourism, Culture and Religious Endowments (RE 5-1) Department, dated 28.05.2019, respectively. This Court is also not inclined to interfere with the tender notification dated 29.05.2019 issued by the Joint Commissioner cum Executive Officer of the Temple.

30. It is open to the respondents to proceed further in accordance with law. The petitioners shall vacate and hand over the premises within a period of two months from the date of receipt of a copy of this order and if they are not in any default, they are also at liberty to participate in the public auction, if they are so interested.

31. In fine, all the writ petitions are dismissed. No costs. Pending interim orders, if any, shall also stand vacated. Consequently, connected miscellaneous petitions are closed."

3. Therefore, these two writ petitions are also dismissed in the aforesaid terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk



To

The Joint Commissioner / Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukoil,
Palani, Dindigul District.

W.P. (MD) Nos.13655 & 13656 of 2019
22.03.2021

SRK(CO)
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