



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14836 of 2021 and

WMP(MD) .Nos.11730 and 12673 of 2021

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M. Govindaraju

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
119, Uthamar Gandhi Rd, Thousand Lights West,
Nungambakkam,
Chennai, Tamil Nadu - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Dindigul

3.The Executive Officer,
Idumban Thirukovil Palani,
Joint Arulmigu Vigneswara Vakaara Thirukovil,
Old Ayakudi, Sivakirpatti,
Palani, Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Certiorarified Mandamus calling for the records relating to the impugned tender notification dated 04.08.2021 fixing bid on 19.08.2021 issued by the third respondent in so far as item 3 of the notification and quash the same and consequently, direct the 3rd respondent to grant licence for the petitioner for the above said tender period mentioned as item 3 in the said notification.

For petitioner : Mr. A. V. Arun

For Respondents 1 and 2 : Mr. P.Subbaraj
Counsel for State

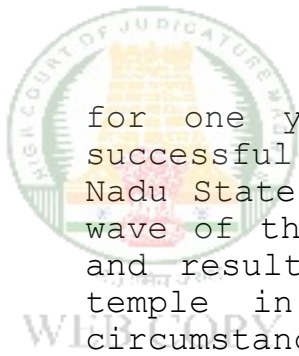
For 3rd respondent : Mr. C. Guha Seela Rupan

ORDER

The petitioner challenges a Tender Notification dated 04.08.2021 in relation to the grant of a licence for the collection of hair at the Idumban Thirukkoil, Palani.

2. The petitioner was the successful bidder pursuant to a tender notification issued on 12.02.2021. The licence period was

<https://hcservices.ecourts.gov.in/hcservices/>



for one year. Almost immediately after being declared as the successful bidder, it is stated that the elections to the Tamil Nadu State Legislative Assembly intervened. Thereafter, the second wave of the Covid 19 Pandemic brought normal life to a stand still and resulted in the closure of temples, including the relevant temple in this case. The Writ Petition was filed in such circumstances.

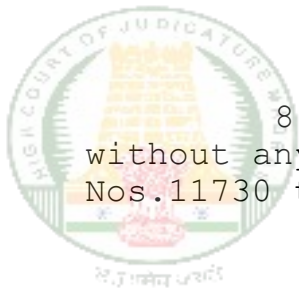
3. Mr. P. Subbaraj, learned counsel for the State, appears for respondents 1 and 2 and Mr.C.Guha Seela Rupan, learned Standing Counsel, appears for the third respondent.

4. Pursuant to the interim order granted earlier, it was brought to my notice that the licence period of all similarly situated licensees was extended by a period of 66 days from 05.07.2021. The said 66 day period was fixed by taking into account the number of days on which such licensees could not carry on business. Upon production of the said communication, the petitioner was directed to ascertain whether such extension redresses his grievances.

5. At the hearing today, learned counsel for the petitioner points out that the said extension of time is a general extension applicable to all licensees. As regards the licence for collection of hair, it is entirely dependent on the normal functioning of temples. Although the lockdown has been eased considerably, it is pointed out by the petitioner that temples continue to be closed on Friday, Saturday and Sunday. Hence, the business of the petitioner continues to be adversely impacted by the lockdown.

6. The Hindu Religious and Charitable Endowments Department is under an obligation to act in a non-discriminatory manner. Therefore, decisions of this kind should apply to all those who are similarly situated. Amongst the licensees, it is possible that certain classes continue to be more strongly affected and others not so strongly affected. This aspect may be taken into consideration. In particular, as regards the petitioner herein, the grievance is that temples continue to remain closed on three days of the week. These three days happen to be the days of the weekend when ordinarily business is highest.

7. For the reasons set out, the petitioner is permitted to carry a fresh representation to the first respondent herein seeking a further extension corresponding to the number of days on which temples remained closed, even in the extended period of 66 days. Such representation shall be submitted within a week from the date of receipt of a copy of this order. Upon receipt thereon, the first respondent is directed to consider such representation and issue a reasoned order thereon within 15 days from the date of receipt of such fresh representation.



8. W.P(MD).No.14836 of 2021 is disposed of on these terms without any order as to costs. Consequently, the connected WMP(MD). Nos.11730 to 12673 of 2021 are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
119, Uthamar Gandhi Rd, Thousand Lights West,
Nungambakkam,
Chennai, Tamil Nadu - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Dindigul

3.The Executive Officer,
Idumban Thirukovil Palani,
Joint Arulmigu Vigneswara Vakaara Thirukovil,
Old Ayakudi, Sivakirpatti,
Palani, Dindigul District.

+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-28378[F] dated 07/09/2021)

+1 CC to M/s.A.V.ARUN, Advocate (SR-28397[F] dated 07/09/2021)

+1 CC to M/s.GP (SR-28328[F] dated 07/09/2021)

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RK (14.09.2021) 3P 7C