



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16460 of 2021

V.Ramesh Kumar

... Petitioner

Vs.

1.The Commisioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uttamar Gandhi Street,
Nungambakkam,
Chennai - 34.

2.The Executive Officer,
Arulmigu Kasiviswanathaswamy Thirukoil,
Kumbakonam,
Thanjavur District.

... Respondents

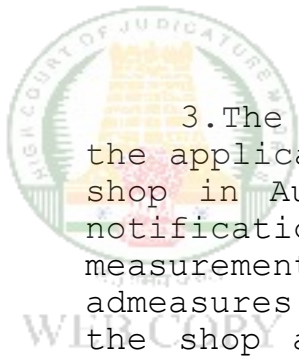
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider and dispose of the petitioner's representation dated 13.08.2021 in connection with the subject matter awarding lease for running shop No.4, in survey No.421 at the western side of Mahamahan Tank, Arulmigu Kasi Viswanatha Swami Thirukovil, Kumbakonam, Thanjavur District as expeditiously possible within the time stipulation as prescribed by this Court.

For Petitioner	: Mr.R.Anand
For R1	: Mr.K.S.Selvaganesan
	Counsel for State
For R2	: Mr.V.Chandrasekar

ORDER

The petitioner seeks a direction for the consideration of his representation dated 13.08.2021 in relation to the grant of a licence for running shop No.4 in Survey No.421 at the western side of Mahamahan Tank, Arulmigu Kasi Viswanatha Swami Thirukovil, Kumbakonam, Thanjavur District.

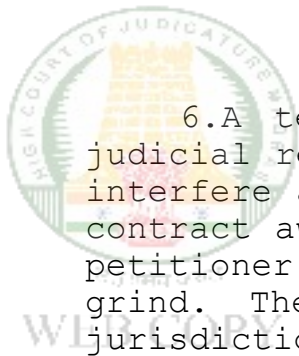
2.The petitioner is an erstwhile licensee of the aforesaid shop. The petitioner states that he was constrained to approach this Court by filing W.P.(MD).No.22774 of 2017 in relation to the attempt by the respondents to conduct an auction in relation to the relevant shop. In addition, the petitioner states that he filed a civil suit in O.S.No.447 of 2017 before the learned Principal District Munsif, Kumbakonam in relation to his rights as a lessee or licensee of the relevant shop.



3.The petitioner alleges that he was not permitted to receive the application for a tender-cum-auction in relation to the relevant shop in August 2021. The petitioner also alleges that the tender notification contains a mis-description with regard to the extent or measurement of the shop. According to the petitioner, the shop admeasures 188 sq.ft, whereas the tender notification indicates that the shop admeasures 250 square feet. In addition, the petitioner alleges that the shop is not vacant, whereas the second respondent has proceeded by suppressing a material fact. Moreover, the petitioner states that one Mr.Vijay Anand was not permitted to participate at the tender-cum-auction inspite of taking a demand draft for a sum of Rs.1,00,000. The present petition is filed in these facts and circumstances seeking consideration of the petitioner's representation dated 13.08.2021 by which allegations of irregularities have been levelled against the tendering authority.

4.Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.V.Chandrasekar, learned Standing Counsel, accepts notice on behalf of the second respondent. Mr. Selvaganesan submits that the petitioner is not entitled to participate at the relevant tender- cum-auction in view of the unpaid arrears relating to the licence granted to the petitioner earlier. Mr.V.Chandrasekar points out that the petitioner is not entitled to maintain the present writ petition since he was admittedly not one of the bidders at the relevant tender cum auction. In addition, he points out that the petitioner has produced the receipt issued to one Vijay Anand. The name of S.Mahalakshmi has been interpolated in the said receipt. Therefore, he submits that the petitioner is not entitled to the issuance of a mandamus as prayed for.

5.The petitioner alleges irregularities in the tender process and seeks a mandamus for the consideration of his representation in relation thereto. At the outset, it should be noted that the petitioner was the erstwhile licensee of the relevant shop. The admitted position is that there are arrears in respect of such licence and that the respondents had great difficulty in obtaining vacant possession of the relevant premises. Moreover, while the petitioner alleges that he was not permitted to participate in the tender-cum-auction, apart from a statement to such effect in the complaint dated 13.08.2021, the petitioner has not produced any evidence that he endeavoured to participate by tendering the requisite security deposit amount or initial licence fee as per the terms and conditions of such tender-cum-auction. Instead, the petitioner relies upon a receipt issued to one S.Vijay Anand. Even such receipt contains the interpolation of the name of S.Mahalakshmi, as correctly contended by learned counsel for the second respondent.



6.A tender process should not be lightly interfered with in judicial review. In fact, the Court would be even more reluctant to interfere after the tendering process is concluded and the relevant contract awarded to the successful bidder. In the case on hand, the petitioner is an erstwhile licensee who obviously has an axe to grind. Therefore, I am not inclined to exercise discretionary jurisdiction in favour of the petitioner by granting a mandamus as prayed for.

7.For the reasons set out above, W.P.(MD).No.16460 of 2021 is dismissed without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

To

1.The Commisioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uttamar Gandhi Street,
Nungambakkam,
Chennai - 34.

2.The Executive Officer,
Arulmigu Kasiviswanathaswamy Thirukoil,
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+1 CC to M/s.SPL. GP (SR-29351[F] dated 16/09/2021)

W.P(MD).No.16460 of 2021
15.09.2021

RS (22.09.2021) 3P 4C