



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.11.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20131 of 2021

and

W.M.P.(MD).Nos.16835 and 16836 of 2021

S.Krishnamoorthy

... Petitioner

Vs.

1.The District Collector
Trichy District.
Trichy.

2.The Joint Commissioner,
Office of Hindu Religious and
Charitable Endowment Department,
Trichy.

3.The Executive Officer,
Arulmighu Brahma Pureshwarar Thirukovil.
Thiruppattur,
Trichy
District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned tender cum public auction notification published by the third respondent through Notice Pasali 1431 (1st call) in respect of Shop Serial No.2, namely, Coconut and Banana Shop situated at Arulmighu Brahma Pureshwarar Thirukovil, Thiruppattur, Trichy District and quash the same and consequently direct the respondents to extend the time period based on the petitioner's representation, dated 22.10.2021.

For Petitioner : Mr.PR.Bommee Rajan

For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R3 : Mr.P.Thiyagarajan
Standing Counsel



ORDER

The Writ Petition has been filed in the nature of Certiorari, seeking interference with the tender cum public auction notification published by the third respondent/Executive Officer, Arulmiyu Brahma Pureshwarar Thirukovil at Thiruppattur in Trichy District with respect to shop Serial No.2, namely, Coconut and Banana Shop situated at the said temple and also for a direction to extend the time period based on the representation, dated 22.10.2021.

2.The case of the petitioner as stated in the affidavit filed in support of the writ petition is that the petitioner had taken a shop on contest after bidding for tender in the year 2019, and had also deposited a sum of Rs.30,00,975/- on 24.06.2019. The tender period was from 01.07.2019 to 30.06.2020.

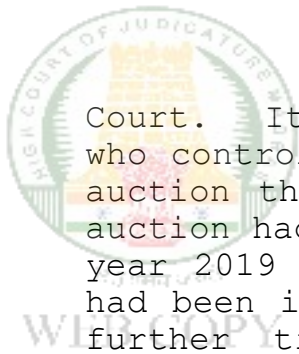
3.It is stated that thereafter, owing to the onslot of COVID-19 Pandemic, the petitioner was not able to conduct any business. The temple was also closed. The business was put to loss. The petitioner therefore, gave a representation that the time period may be accordingly extended. However, the third respondent had announced tender cum public auction notice for the period from 01.12.2021 to 30.06.2022. It was stated that the auction would be held on 12.11.2011.

4.When the matter came up on an earlier date, the petitioner was granted permission to participate in the auction and learned Counsel for the third respondent was also informed about the same. As a matter of fact, the date and time for participation of the petitioner in the tender was also extended by this Court. Both the parties were directed to file affidavits with respect to either participation in the tender process by the petitioner or offer to participate by the petitioner.

5.An affidavit has been filed by the third respondent, wherein, it had been stated that the petitioner had failed to collect the tender form even though specific permission was granted by this Court.

6.It was stated that therefore, after waiting for more than sufficient time, at 5.30pm, the tender box was sealed by the Inspector of Hindu Religious and Charitable Endowments Department. The tender process thus started. Once the tender process starts, the Court has to be cautious in interfering with the process. In the affidavit filed by the third respondent, it had been stated that the tender process continued and auction was also held and auction was completed and the results had also been announced.

7.The learned Counsel for the petitioner made a representation that his plea to continue for the further period of six months, may be considered by the respondents herein. However, since, he had not participated in the tender, such request cannot be acceded to by the



Court. It is entirely at the discretion of the third respondent, who controls the shops at the temple. They had taken a decision to auction the shops. The petitioner must also realize that just as auction had been conducted now, an auction had been conducted in the year 2019 and he was the successful bidder till the auction notice had been issued. He had also benefited from running the shop. No further time can be granted by this Court, since, a purely discretionary right has been exercised by the third respondent. I am afraid, the request made by the petitioner cannot be granted.

8. With the above observations, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

lr/sn

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 District Collector
Trichy District, Trichy.
2. The Joint Commissioner,
Office of Hindu Religious and
Charitable Endowment Department,
Trichy.
3. The Executive Officer,
Arulmighu Brahma Pureshwarar Thirukovil.
Thiruppattur,
Trichy District.

+1 CC to M/s.P. THIYAGARAJAN, Advocate (SR-36214[F] dated (26.11.2021)

+1 CC to M/s.SPL GP (SR-36311[F] dated 29/11/2021)

W.P(MD) .No.20131 of 2021
26.11.2021