



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.3727 of 2017

and W.M.P. (MD) No.2987 of 2017

WEB COPY

1.S.K.S.Jamal

2.A.Mohammed Ali

3.M.Jinnah

4.D.Murugesan

5.A.Sahul Hameed

6.K.Abbas

7.M.Sheik Dawood

8.K.Anbuchezhian

9.M.Abdul Karim

10.M.Jehangir

11.M.Abbas

12.A.Asraf Ali

13.I.Ajmal

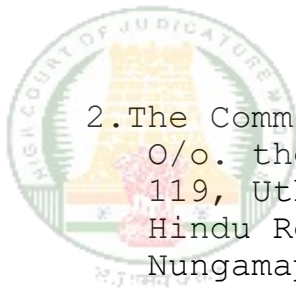
14.K.Musif

15.S.N.Iqbal

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Tourism, Culture and
Charitable Endowments,
Secretariat, Chennai - 9.



- 2.The Commissioner of HR&CE,
O/o. the Commissioner of HR & CE,
119, Uthamar Gandhi Salai,
Hindu Religious and Charitable Endowments,
Nungamapakkam, Chennai - 600 034.
- 3.The Joint Commissioner of HR&CE,
Hindu Religious and Charitable Endowments,
O/o. Joint Commissioner of HR&CE,
Muthuchamy Nagar,
Sivagangai to Thirupathur Road,
Sivagangai Town and Taluk,
Sivagangai District - 630 561.
- 4.The Assistant Commissioner of HR&CE,
Hindu Religious and Charitable Endowments,
Anjumuku Road, Ramanathapuram main Road,
Paramakudi Town,
Ramanathapuram District - 623 707.
- 5.The Executive Officer,
Sri Koppudayanayagamman Thriukovil,
Karaikudi - 630 001,
Sivagangai District.
- 6.The Superintendent of Police,
Sivagangai District.
- 7.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.
- 8.Mr.M.Ramakrishnan
- 9.Mr.H.Harimurugesan
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, forbearing the respondent No.8 from levying exorbitant sum of rent from the petitioners for their shops and vehicle at the Weekly Market situated in the 5th respondent temple in violation of the Special Tender conditions enshrined in the Tender Notice dated 22.12.2016 and consequently for a direction, directing the respondent No.2 to 5 to cancel the license granted in favour of the respondent No.8 for collecting fees in Weekly Market belonging to 5th respondent temple within the time period stipulated by this Court.

For Petitioners : Mr.M.Mahaboob Fazil
for Mr.T.Lajapathi Roy
For Respondents : Mr.M.Lingadurai,
Special Govt. Pleader



for R1 to R4, R6 & R7
Mr.AL.Kannan, for
Mr.VR.Shanmuganathan for R5
Mr.F.Feepak for R9
No Appearance for R8

WEB COPY

O R D E R

In the captioned writ petition Mr.M.Mahaboob Fazil, learned counsel representing the counsel on record for fifteen writ petitioners, Mr.M.Lingadurai, learned Special Government Pleader for respondents 1 to 4, 6 and 7, Mr.AL.Kannan, learned counsel representing the counsel on record for the fifth respondent (private respondent for Executive Officer of the temple concerned) and Mr.F.Deepak, learned counsel for ninth respondent are before me. The eighth respondent (private respondent) has entered appearance through a counsel, name is shown in the cause list but there is no representation.

2. Be that as it may, captioned writ petition turns on an extremely narrow compass. It pertains to a temple which goes by the name 'Sri Koppudayanayagiamman Thirukovil, situate in Karaikudi Town, Karaikudi Taluk and Sivagangai District' (hereinafter 'said temple' for the sake of convenience and clarity). Said temple had issued a tender / public auction notice dated 22.12.2016 auctioning the rights to conduct weekly shandy in a vacant land belonging to said temple situate in S.No.227/1. To be noted, this is for a one year period in the Gregorian calendar i.e., from 06.01.2017 to 05.01.2018 (part of Fasli 1426 and another part of Fasli 1427).

3. This Court is informed without any disputation that the ninth respondent was successful in the auction.

4. Writ petitioners have been running shops in the weekly shandy and the writ petition is predicated on a complaint that the ninth respondent has collected more rent than what has been fixed / what the ninth respondent has been permitted to collect vide special conditions under aforementioned said tender.

5. Learned State Counsel on instructions submits that an enquiry was conducted owing to the representation made by the writ petitioner and it was concluded that the allegations qua ninth respondent are unfounded. I refrain myself from expressing any opinion on this aspect of the matter as the period for which the auction was held has since elapsed. I am also informed that further auction notices have been issued for subsequent years and the weekly shandy is now underway.

6. In the light of the aforesaid trajectory the matter has taken, I deem it appropriate to dispose of the captioned writ petition and closed making it clear that I have not expressed any



view or opinion on the merits of the matter. Consequently, captioned WMP is also disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of Tourism, Culture and
Charitable Endowments,
Secretariat, Chennai - 9.
- 2.The Commissioner of HR&CE,
O/o. the Commissioner of HR & CE,
119, Uthamar Gandhi Salai,
Hindu Religious and Charitable Endowments,
Nungamapakkam, Chennai - 600 034.
- 3.The Joint Commissioner of HR&CE,
Hindu Religious and Charitable Endowments,
O/o. Joint Commissioner of HR&CE,
Muthuchamy Nagar,
Sivagangai to Thirupathur Road,
Sivagangai Town and Taluk,
Sivagangai District - 630 561.
- 4.The Assistant Commissioner of HR&CE,
Hindu Religious and Charitable Endowments,
Anjumuku Road, Ramanathapuram main Road,
Paramakudi Town,
Ramanathapuram District - 623 707.
- 5.The Executive Officer,
Sri Koppudayanayagamman Thriukovil,
Karaikudi - 630 001,
Sivagangai District.
- 6.The Superintendent of Police,
Sivagangai District.
- 7.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.



+1 CC to M/s.SPL GP (SR-38582[F] dated 14/12/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-38513[F] dated 14/12/2021)

WEB COPY

W.P (MD) No.3727 of 2017
and W.M.P. (MD) No.2987 of 2017
13.12.2021

ARK (CO)
KB (31.12.2021) 5P 10C