



O R D E R

This Writ Petition is filed for issuance of writ of Mandamus, directing the respondents to grant the grace period of 102 days after the lifting of complete lockdown for the fasli 1431 to the petitioner for shop No.2, Shri Pattesswarar Temple Premises, Siruvani Main Road, Perur, Coimbatore - 10.

2. According to the petitioner, he was a successful bidder for flower vending business for the fasli 1431 from 01.07.2019 to 30.06.2020 for one year conducted by the 3rd respondent. According to the petitioner, due to COVID-19 pandemic situation, devotees were not permitted to enter into the temple and worship. Considering the representation of the petitioner, the 1st respondent by the proceedings dated 29.09.2020 extended the lease period for 102 days from 01.09.2020 and permitted the petitioner to carry on flower vending business at the shop allotted to him in the Temple premises. Due to restrictions imposed on the devotees, the said extension of 102 days is of no avail to the petitioner. While so, the 3rd respondent by the notice dated 18.03.2021 directed the petitioner to vacate the shop. Due to restrictions imposed by the Government, there was no bidders in the public auction conducted by the 3rd respondent for fasli 1431 flower shop. The petitioner approached the 1st respondent for further extension of 102 days by the representation dated 27.10.2021. Since no order is passed on the said representation dated 27.10.2021, the petitioner has come out with the present Writ Petition.

3. On instructions, Mr.K.Karthikeyan, learned Government Advocate (HR & CE) appearing for the respondents submitted that as per the extension order of the 1st respondent dated 29.09.2020, the petitioner was running the flower shop from 01.09.2020 to 24.04.2021. The petitioner was doing flower vending business at shop No.2, Shri Pattesswarar Temple Premises allotted to him and the petitioner was informed that there is no possibility for further extension. Again the petitioner was permitted from 05.07.2021 to 25.10.2021 for doing flower vending business. The learned Government Advocate (HR & CE) appearing for the respondents further submitted that some of the lessees who have filed cases had withdrawn the cases and participated in the public auction and being successful bidders, they are conducting the business in the respective shops allotted to them. The petitioner has not participated in the public auction and also has not vacated the shop. Even after receiving notice, the petitioner was continuing his business in shop No.2 from 05.07.2021 till 25.10.2021. When the Officials of the 3rd respondent met the petitioner and called upon him to vacate the



shop and hand over the key to the 3rd respondent, the petitioner locked the shop and refused to hand over the possession and key to the 3rd respondent. The petitioner was given lease only for a period of one year till June 2020. Further, as per the order of the 1st respondent, the petitioner was given extension of 102 days from 01.09.2020 and he carried on business during the extended period and also for further period till 25.10.2021. There is no loss to the petitioner and he is not entitled for any further extension and prayed for dismissal of the Writ Petition.

4. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (HR & CE) appearing for the respondents and perused the entire materials on record.

5. From the materials on record, it is seen that the petitioner is seeking extension of lease for a further period of 102 days stating that due to COVID-19 pandemic situation, he could not carry on flower vending business till the lease period. It is an admitted fact that the 1st respondent granted extension of lease for a period of 102 days from 01.09.2020. Further, it is the case of the 2nd respondent that the petitioner was carrying on business during that time and also again from 05.07.2021 to 25.10.2021. The petitioner denied that he carried on business during the extended period. Whether petitioner carried on business during extended period of 102 days and further period till 25.10.2021 as claimed by the respondents or whether he was not carrying on business cannot be decided in the present Writ Petition.

6. Further, according to the respondents, the petitioner was carrying on business till 25.10.2021 and when the Officials of 3rd respondent called upon him to surrender the vacant possession, the petitioner locked the shop and kept the shop under lock. The disputed question whether the petitioner carried on business during extended period of 102 days from 01.09.2020 or not cannot be decided in the present Writ Petition. In any event, the lease period is already over and the petitioner is keeping the shop under his lock and key. In view of the same, the petitioner is not entitled to the relief sought for in the present Writ Petition. However, it is made clear that the petitioner has to surrender the vacant possession and he is at liberty to participate in the public auction as and when conducted by the 3rd respondent. If the petitioner fails to surrender the possession, it is open to the 3rd respondent to take possession as per law.



7. For the above reasons, the Writ Petition is dismissed as devoid of merits. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dr. Balachandar Salai,
Coimbatore - 641 018.
3. The Assistant Commissioner
Cum Executive Office,
Hindu Religious and Charitable
Endowment Department,
Arulmighu Patteswarasamy Temple,
Perur,
Coimbatore.

+1 cc to Government Pleader Sr.NO. 9884

W.P.No.24541 of 2021

mt(CO)
A.SK(11/03/2022)