



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.04.2022
CORAM

THE HONOURABLE MR. JUSTICE C. SARAVANAN
W.P (MD) .No.4257 and 4282 of 2022

W.P. (MD) .No.4257 of 2022

K.Mohandoss Gandhi

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai.

2.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmighu Meenakshi Sundhareshwarar
Thirukovil Campus,
Madurai-625001.

3.The Commissioner,
Madurai Corporation.
Madurai-625002.

... Respondents

(R3 is suo motu impleaded vide Court order
dated 10.03.2022 in W.P(MD).No.4257 of 2022)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents permit the petitioner to open the shop vide Shop No.32B temporarily, till the disposal of the above said appeal, which is filed before the first respondent in A.P.No.89 of 2021 and the petitioner will be bound to obey the final order passed in A.P.No.89 of 2021, by considering the petitioner's representation dated 22.02.2022.

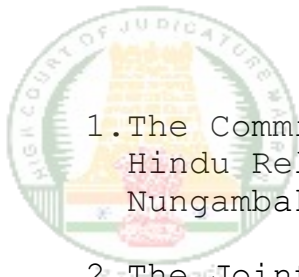
For Petitioner :	Mr.A.Rajaram
For R1	Mr.P.Subbaraj
	Special Government Pleader
For R2	Mr.V.R.Shanmuganathan
For R3	Mrs.S.Devasena

W.P. (MD) .No.4282 of 2022

S.Backiyalakshmi

... Petitioner

Vs.



1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai.

2.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmighu Meenakshi Sundhareshwarar
Thirukovil Campus, Madurai-625001.

3.The Commissioner,
Madurai Corporation.
Madurai-625002.

...Respondents

(R3 is suo motu impleaded vide Court order
dated 10.03.2022 in W.P(MD).No.4282 of 2022)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents permit the petitioner to open the shop vide Shop No.55 temporarily, till the disposal of the above said appeal, which is filed before the first respondent in A.P.No.112 of 2021 and the petitioner will be bound to obey the final order passed in A.P.No.112 of 2021, by considering the petitioner's representation dated 22.02.2022.

For Petitioner : Mr.A.Rajaram
For R1 : Mr.P.T.Thiraviam
Government Advocate
For R2 : Mr.V.R.Shanmuganathan
For R3 : Mrs.S.Devasena

COMMON ORDER

These writ petitions have been filed for a writ of Mandamus to permit the petitioners to open Shop Nos.32B and 55 temporarily till the disposal of the appeal before the first respondent in A.P.Nos.89 and 112 of 2021 in the temple complex.

2. Earlier, the petitioners represented by the association have filed W.P.(MD).No.1348 of 2021. The respondents, therein, have filed a detailed counter and stated that out of 115 shops, 40 shops had been completely destroyed and that 36 shops alone can be allowed to continue, whereas remaining 36 shops cannot be opened as they are situated in places built with sculptures, which have rich heritage value and affect their artistic appearance.

3. In view of the statement made before this Court in W.P.(MD). No.1348 of 2021 on 01.03.2021, this Court concluded that there was no necessity to pass a detailed order. However, the request was made to direct the authorities concerned to open 36 shops identified by them in paragraph 11 of the counter affidavit filed on behalf of the third respondent.



4. Under these circumstances, 36 shops were allowed to be opened. As far remaining 34 shops are concerned, the owners had not come forward to participate in the tender floated by Madurai Commissioner on 24.01.2022 instead the sub-lessee have come forward.

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5. The learned counsel for the petitioners submits that the rent has been fixed by the Madurai Commissioner is usurious and is not capable of being paid by them. That apart, it is submitted that the security deposit is also huge and therefore, it is not capable of being complied with these persons. The learned counsel for the petitioners submits that the temple festival is being conducted currently and the petitioners had been out of business for two years due to out break of Covid-19 pandemic. The request of the petitioners is for a disposal of the representation. The petitioner cannot be rehabilitated in the temple premises, which impact the heritage value of the sculpture. The petitioners have not been rehabilitated and now facing unable to get the shops in the newly built temple complex.

6. Considering the above, the third respondent in the respective writ petitions is therefore directed to consider the petitioners' representation and take an immediate decision to allow these petitioners and others to open the shops temporarily on payment of nominal rent that may be fixed for a period of thirty days. This exercise shall be carried out by the third respondent positively by 18.04.2022. The respective petitioners are directed to furnish appropriate undertaking to pay the rent and charges for amenities and vacate the premises at the end of Chithirai festival or 30 days whichever is earlier.

7. These writ petitions stand disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai.

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



2.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmighu Meenakshi Sundhareshwarar
Thirukovil Campus,
Madurai-625001.

3.The Commissioner,
Madurai Corporation.
Madurai-625002.

+1 CC to M/s.A. RAJARAM, Advocate (SR-17755[F] dated 11/04/2022)
+1 CC to M/s.S. DEVASENA, Advocate (SR-18088[F] dated 12/04/2022)
+1 CC to M/s.SPL.GP. (SR-18152 &18152[F] dated 12/04/2022)

W.P(MD) .No.4257 and 4282 of 2022
11.04.2022

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