



W.P(MD).No.17679 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.17679 of 2022

and

W.M.P.(MD).No.12881 of 2022

Manimegalai

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai – 600 034.

2. *****

3.The Superintendent,
Sivagangai Devasdanam,
Nattarasankottai,
Sivagangai District.

4.The Manager,
Arulmigu Kannudaya Nayagi Amman Temple,
Sivagangai Devasdanam,
Nattarasankottai,
Sivagangai District.



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5.Subramaniam

... Respondents

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(R-2 deleted vide Court Order dated 08.08.2022 in W.P.(MD).No.17679 of 2022)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned tender notification dated 12.05.2022 published in the Dina Thanthi newspaper by the fourth respondent and quash the same and all consequential acts relating to the permission / license to sell pooja articles and run shop at Arulmigu Kannudaya Nayagi Amman Temple belonging to the third and fourth respondents.

For Petitioner : Mr.M.Boopathi Pandiyan

For R-1 : Mr.M.Lingadurai,
Special Government Pleader.

For R-2 : Deleted

For R-3 and R-4 : Mr.S.Manohar,
Standing Counsel.



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3. The learned Standing Counsel appearing for the third and fourth respondents submitted that the tender process conducted on 25.05.2022, totally five tenders were held for selling of coconut and fruits, vehicle parking charges, Prasatham Stall, collection of hair and selling and collection of salt and other articles offered by the devotees. As far as the pooja article shop tender, there were totally four tenders, two participated in the public auction and two offered tenders. The fifth respondent had made highest bidder paid Rs.3,05,000/- (Rupees Three Lakhs Five Thousand only). As far as this petitioner is concerned, she had participated and she had quoted Rs.2,80,000/- (Rupees Two Lakhs Eighty Thousand only). Since the fifth respondent tenderer was the highest , he was declared as successful tenderer subject to the approval of the appropriate authorities. Now all the tender process completed. The tender was approved by the Joint Commissioner. The petitioner apart from participating in the tender, she had also participated in another tender and her husband participated in one more tender. The tender cum auction was held in public following all the rules and regulations. The participation of the petitioner and her husband would confirm that everything was done in open and transparent manner. The allegations made by the

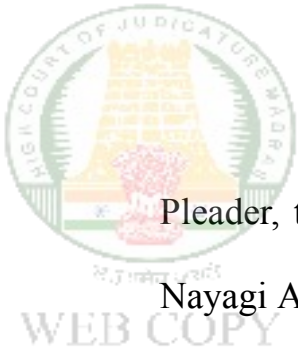


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petitioner for the purpose of filing of this petition is devoid of merits, hence prayed for dismissal of the Writ Petition.

4. The learned Special Government Pleader appearing for the first respondent submitted that the tender was conducted on 25.05.2022, it was auction cum tender process. The tender was conducted in the presence of Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai. Further, the auction cum tender process has been recorded in the register, signature of the participants obtained, thereafter, on completion of tender process, the extraction have been taken from the register and forwarded to the Joint Commissioner, Hindu Religious and Charitable Endowments Department, who had approved the same on 24.06.2022. The contention of the petitioner is not supported with the facts and records. Hence, he prayed for dismissal of the Writ Petition.

5. The learned Special Government Pleader further submitted that there is no post as Executive Officer in the aforesaid temple and hence the second respondent is an unnecessary party in this Writ Petition and to be deleted. Accordingly, by considering the submissions of learned Special Government



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Pleader, the second respondent, the Executive Officer, Arulmigu Kannudaya Nayagi Amman Temple, Nattarasankottai, Sivagangai District is deleted from the array of the respondents.

6. I have considered the matter in the light of the submissions made by learned counsels for all the parties and perused the records.

7. It is seen from the records that the public auction notice for auction issued on 12.05.2022 and the auction was conducted on 25.05.2022. The petitioner had participated not only for the tender of shops, she had also participated in yet another tender. Further, the tender process has been conducted in the presence of Assistant Commissioner. In the entire auction cum tender process, all the participants have signed in the tender register. The tender process have been registered in the register, extracts taken and approval was also given by the Joint Commissioner and of public authorities. There is no reason to doubt the tender process in any manner. Further, the petitioner's husband participated in the tender, now cannot make a turn around and alleged that the tender was not properly published. Hence, I find no merits in this case.



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8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2022

Index : Yes / No
Internet : Yes/ No
Nsr

Note: Registry is directed to carry out necessary amendments in the cause title.

To

- 1.The Commissioner,
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Chennai – 600 034.
- 2.The Superintendent,
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Nattarasankottai,
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- 3.The Manager,
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M.NIRMAL KUMAR, J.

Nsr

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