



W.P.(MD)No.26574 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.26574 of 2022

and

W.M.P.(MD).Nos.20767 and 20768 of 2022

V.Nagakumari

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungampakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Palayamkottai, Tirunelveli.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Arulmigu Nellaiappar Arultharum Gandhimathiamman Thirukovil,
Tirunelveli Town.
- 4.The Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Nellaiapper Arultharum Gandhimathiamman Thirukovil,
Tirunelveli Town.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus call for the records pertaining to the tender notice issued by the third and fourth respondents dated 09.09.2022 and consequently quash the same and directing the respondents to extend the lease for the period of three years from 01.12.2022 to 30.11.2025 based on the petitioner's representation dated 08.11.2022.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.J.Ashok (for R1 to R3)
Additional Government Pleader
Mr.S.Madhavan (for R4)

ORDER

The writ petition has been filed praying for a Writ of Certiorarified Mandamus to quash the tender notice issued by the third and fourth respondents dated 09.09.2022 and further to direct the respondents to extend the lease for a period of three years from 01.12.2022 to 30.11.2025 based on the petitioner's representation dated 08.11.2022.

2.Heard Mr.T.Selvan, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader, who takes notice for



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the respondents 1 to 3 and Mr.S.Madhavan, learned counsel, who takes notice for the fourth respondent. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.It is the submission of the learned counsel for the petitioner that the petitioner is the successful bidder in the tender conducted by the fourth respondent for the shop building bearing D.No.141 D North Car Street, Tirunelveli Town by proceedings dated 06.09.2019 in O.Mu.No. 49469/2019/V3. Pursuant to which, lease was granted to the petitioner for a period of three years from 01.12.2019 to 30.11.2022, subject to conditions. With the expiry of the lease tenure, the respondents 3 and 4 have issued a tender notification dated 09.09.2022 for the aforesaid shop. The 4th respondent has issued notice to the petitioner to vacate the said shop and hand over the same to him on or before 30.11.2022, failing which, possession shall be taken as per law. Hence, the petitioner is constrained to file this petition.



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4.It is the submissions of the learned counsel for the fourth respondent that the lease tender was entered between the temple and the petitioner in Nov-2019 for a period of three years, which is not disputed by the petitioner and since the tenure is over, the property is being kept for auction.

5.Considering the facts and circumstances of the case and also considering the submissions of the parties, this Court is inclined to pass the following order:-

(i)The petitioner is permitted to participate in the tender to be conducted by the respondents on 25.11.2022.

(ii)The respondents are directed to consider the petitioner also along with other participants.

(iii)The result of the tender shall be decided in accordance with law and as per the tender conditions.

(iv)It was also submitted that there is a due of Rs.73, 672/-, in respect of which, the petitioner agreed to pay the said amount within a period of two weeks from today (i.e., 24.11.2022).



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(v)Until the tender is over, the petitioner's

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possession shall not be disturbed.

6. With the above directions, the Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

24.11.2022

Index : Yes / No

Internet: Yes/No

Rmk

Note : Issue order copy on 24.11.2022

To

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MOHAMMED SHAFFIQ, J.

Rmk

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