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W.P.No.20246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20246 of 2023
and W.M.P.No.19571 of 2023

D.E.Ramachandran

...Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
-Endowments Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam, Chennai.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
-Endowments Department,
Kanchipuram.
- 3.The Executive Officer,
Arulmigu Chitragupta Swamy Temple,
Nellukara Street, Kanchipuram District.
- 4.The Trustee,
Arulmigu Chitragupta Swamy Temple,
Kanchipuram District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of the impugned Letter of the third Respondent dated nil, quash the same and consequentially permit the petitioner to continue his shop situated in front of “Arulmigu Chitragupta Swamy Thirukovil” until next Auction is conducted.

For Petitioner : M/s.V.Ranjayani
for Mr.Thangavadhanabalakrishnan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR &CE)

ORDER

The writ petitioner has come up with this writ petition challenging the communication of the third respondent dated nil, rejecting the request of the petitioner to extend the license period.

2. According to the petitioner, he has been running a pooja articles shop in front of Arulmigu Chitragupta Swamy Thirukovil, Kanchipuram, from the year 2010, by participating in the open auction conducted by the Temple



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Administration. The petitioner was the successful bidder in the open auction conducted on 01.07.2022 and he was granted license to run the shop, till 30.06.2023.

3. It is the case of the petitioner that during the month of October 2022, Balalayam for conducting Kumbabishekam of the temple was performed and thereafter, the temple premises was kept closed for nearly 6 months. Therefore, the business of the petitioner got affected and the petitioner's shop was also closed. Hence, the petitioner submitted a representation to the third respondent, seeking extension of time to run the shop in order to compensate the loss. By impugned order, the third respondent rejected the request made by the petitioner. Aggrieved by the same, the petitioner filed the present writ petition.

4. The learned counsel for the petitioner submitted that the temple was closed for nearly 6 months, due to preparation for Kumbabishekam and consequently, the petitioner suffered a loss. In such circumstances, the request of the petitioner for extension of time may be considered sympathetically.



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5. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR &CE) takes notice for the respondents 1 to 3. On instructions, the learned counsel submitted that the temple was not at all closed after palalayam and therefore, the contention made by the petitioner as if the temple was closed for 6 months is not correct. It is also submitted by the learned counsel that by violating the terms of auction, the petitioner indulged in sale of Nei Deepam. It is also submitted by the learned counsel that the period of license is already over, therefore, the petitioner has no right to seek extension. It is also stated by the learned counsel that the Devasthanam has decided not to auction the shop any more and decided to sale the Pooja articles by themselves.

6. The petitioner is only a licensee of a shop to sell pooja articles and the license period is already over on 30.06.2023. Therefore, the petitioner has no right to seek extension of license. In these circumstances, the request made by the petitioner cannot be accepted. However, in case any auction is conducted by the respondent Temple Authorities, in respect of license for running a Pooja Shop, it is open to the petitioner to participate in the auction.



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7. With these observations, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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-Endowments Department,
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