



W.P.(MD) Nos.9360 to 9362 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.9360 to 9362 of 2023

- | | |
|--------------------|---|
| 1.M.Sankareswari | ... Petitioner in W.P(MD) No.9360 of 2023 |
| 2.C.Manikandan | ... Petitioner in W.P(MD) No.9361 of 2023 |
| 3.C.Arumuga Nainar | ... Petitioner in W.P(MD) No.9362 of 2023 |

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai-600 028.
- 2.The Joint Commissioner/Executive Officer,
A/m Subramania Swamy Temple,
Tiruchendur,
Thoothukudi District.
- 3.The Thakkar,
A/m Subramania Swamy Temple,
Tiruchendur,
Thoothukudi District.

... Respondents
(in all petitions)



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COMMON Prayer :- Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to allot the shops at Temple Bus Stand, Tiruchendur to the petitioners by considering the joint representation dated 27.03.2023 within the time limit as fixed by this Court.

For Petitioner : Mr.A.P.G.Ohm Chairma Prabhu
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 & R3 : Mr.Muthugeethayan
Standing Counsel
(in all petitions)

COMMON ORDER

The above writ petitions are filed for a mandamus directing the second respondent to allot the shops at Temple Bus Stand, Tiruchendur to the petitioners by considering the joint representation dated 27.03.2023.

2. The petitioners had filed these writ petitions stating that they had been allotted 100 sq. ft. shops in the second respondent temple premises on ground rent basis, where they were selling Sillukaruppatti, toys etc., for over 20 years. The rents have been paid without any



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default. Initially, the rent was a sum of Rs.3/- per day, which was enhanced to Rs.10 per day. While so, in the month of December, 2017 there was an accident in the portion of the temple whereby the north eastern side of the Subramania Swamy Temple, Tiruchendur had been collapsed. The licence holders of this portion were directed to vacate the shops and they were rehabilitated in a new place. The petitioners have also been allotted the place in this new premises. However, no rent was fixed and electricity connection was also not provided. Thereafter, on considering their representations, the third respondent had passed a resolution on 23.09.2019 to the first and second respondents to fix the rent for the petitioners and others. The petitioners' representations in this regard is pending. While so, the second respondent had constructed the shops in the temple bus stand and had proposed to shift all the shops in the temple premises to the temple bus stand. Coming to learn about the same, the petitioners had requested the respondents to allot a new shop to them in that premises by taking into consideration the fact that they have been operating the shops from the last 20 years. This representation was not considered and thereafter, the petitioners had submitted a joint



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representation on 27.03.2023 asking to allot a shop. However, no orders have been passed. Therefore, the petitioners have come forward with the above writ petitions.

3. The learned counsel appearing for the temple and the learned counsel for the respondents 1 and 2 would submit that the petitioners have been allotted the shops along with others, who had been rehabilitated. They are not in possession of the same. While so, they now seek to be accommodated in the new premises. It is well open to the petitioners to participate in the auction and if they are successful, the respondents are ready and willing to allot the shop.

4. Heard the learned counsel appearing on either side.

5. The petitioners cannot, as a matter of right, seek re-allotment of the shops in the new construction to be put up. They have already been allotted the shops along with others as part of the scheme for rehabilitating the old shop keepers. The auction is proposed to be held in



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respect of the shops near the temple bus stand, which is in a different place. If the petitioners are keen in having the shops in the new premises, it is well open to them to participate in the auction and it is needless to state that if they declared as a successful bidder, it is open to them to take the shops to be allotted in the new premises. Therefore, there is no merits in the writ petitions. Accordingly, these Writ Petitions are dismissed. No costs.

24.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai-600 028.



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P.T.ASHA, J.

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