



WA(MD). No.2405 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/11/2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WA(MD). No.2405 of 2024
and CMP(MD) No.16571/2024

V.Baskaran

... Petitioner

Vs

1. The Commissioner,
O/o.The Commissioner
HR and CE Department,
Chennai.

2. The Joint Commissioner,
HR and CE Department,
Madurai Region,
TNHB Colony,
Ellis Nagar,
Madurai.

3. The Assistant,
Commissioner/sarkar
HR and CE Department,
TNHB Colony,
Ellis Nagar,
Madurai.



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4. The Executive Officer,
Arulmigu Balathandayuthabani Swamy Thirukovil,
Nethaji Road,
Madurai.

... Respondents

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 15.11.2024 in WP(MD). No. 20941/2024.

For Appellants : Mr.Ram Sundar Vijayraj

For Respondents : Mr.J.Ashok for R1 to R3
Additional Government Pleader

Mr.S.Manohar for R4

JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH, J.)

The writ appeal is directed against the order of the writ Court dated 15.11.2024 in WP(MD) No.20941/2024.

2. The appellant herein is a licensee of a shop in T.S.Nos.932/1 and 183/A, Ward 4 of Melamasi Veethi, Madurai District, which property belongs to the 4th respondent temple, in which, he is running a silver jewelry shop. The license was for an initial period of three years commencing from 08.08.2021. As such, the license expired on



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07.08.2024. Since the license had expired, the 4th respondent temple had brought the subject property for auction, for which purpose, a notification in the local dailies were issued on 15.08.2024. Out of the four participants in the auction, the appellant was also one among them. The auction was concluded in favour of an independent person for the highest bid of Rs.1,26,600/- towards the monthly license fee.

3. When the appellant had filed the writ petition challenging the auction notification before the writ Court in WP(MD) No.20941/2024, the writ petition came to be dismissed on 15.11.2024, on the sole ground that the appellant had participated in the auction and therefore, he has no right to challenge the auction notification. We concur with this finding of the writ Court in this regard.

4. If the appellant had any vested legal right to seek for extension of the license period, he ought to have approached the 4th respondent seeking for extension, even prior to the expiry of the license. Having failed to do so and after having unsuccessfully participated in the auction, it is now not open to him to challenge the auction process.



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5. At this juncture, the learned counsel for the 4th respondent would submit that the entire highest bid amount has been paid by the successful bidder and the 4th respondent is now duty bound to hand over the vacant premises to him. It is further submitted that the earnest money deposit of the appellant herein, has also been refunded to him.

6. In this background, we are of the view that the appellant is required to hand over the premises back to the 4th respondent temple, for which purpose, 10 days time is hereby granted to him, from the date of receipt of a copy of this order.

7. With the above direction, the writ appeal stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

19.11.2024

NCC : Yes/No

Index : Yes/No

Office to Note: Order Copy on 19.11.2024.

RR



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TO

1. The Commissioner,
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**M.S.RAMESH,J
AND
A.D.MARIA CLETE, J.**

RR

**ORDER
IN
WA(MD) No.2405 of 2024**

Date : 19/11/2024