



W.P.(MD) No.1631 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.1631 of 2025
and
W.M.P.(MD) No.1152 of 2025**

P.Siva Perumal

... Petitioner

/vs./

- 1.The District Collector,
Collector's Office,
Nagercoil, Kanyakumari District.
 - 2.The Joint Commissioner/Executive Officer,
(HR & CE) Kanyakumari District Temple,
Head Office, Suchindram 629 704,
Kanyakumari District.
 - 3.Arulmigu Baghavathi Amman Thirukovil,
Kanyakumari & Post 629 702,
represented by its Manager.
 - 4.The Kanyakumari Special Grade Town Panchayat,
represented by its Executive Officer,
Kanyakumari District 629 702.
- ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to forthwith hand over the keys of the Dress Change Room situated near the kanyakumari beach belonging to Arulmigu Bhagavathi Amman Thirukovil to the petitioner and enable him to freely exercise his leasehold rights in respect of the said property for a consolidated period of one year and extend the same in lieu of the period from 10.12.2024 to the date of handing over the keys again to the writ petitioner.

For Petitioner : Mr.N.Dilip Kumar

For R1 & R4 : Mr.R.Suresh Kumar
Additional Government Pleader

For R2 & R3 : Mr.R.Shankar Ganesh

ORDER

A Mandamus has been sought for to forthwith hand over the keys of the dress change room that is situated near the Kanyakumari Beach belonging to the third respondent herein.

2. The learned counsel for the petitioner would submit that the petitioner was a successful bidder of the leasehold right for a period of one year from 01.07.2024 to 30.06.2025 of the dress change room, that is made available for public. He would submit that on 10.12.2024, the third respondent requested the



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petitioner to hand over the keys of the property. Since it was proposed to be given a facelift during the visit of the Hon'ble Chief Minister to Kanyakumari, the keys were promised to be handed over within two days. However, despite of more than 40 days, the keys have not been handed over.

3. He would further submit that the petitioner had lost his rights of collection during the said period, that too a season period, where Kanyakumari District attracts numerous visitors including Iyyappa Bakthars. He would further submit that the petitioner should also be permitted to exploit the one year period by extending the period of license for the same.

4. The learned counsel appearing on behalf of the respondents 2 and 3 would submit that the renovation work are yet to be completed and the same would take another three weeks time and immediately thereafter, the keys will be handed over to the petitioner.

5. I have considered the rival submissions made by the learned counsel on either side.



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6. Admittedly, the petitioner is the successful bidder for the leasehold right for maintaining the dress change room and permitting the use of the same by collecting charges as fixed from the devotees and various tourists visiting the Kanyakumari beach. It is also admitted that the keys were taken over from the petitioner to give a facelift and that the renovation work is yet to be completed. In such event, it is not the fault of the petitioner that the keys have been taken over by the third respondent.

7. From the statements made by the third respondent, it is seen that the dress change room needed renovation, which ought to have been made even before handing over the dress change room to the petitioner. The statement made by the third respondent means that the dress change room was not in a good condition for the use of the public, when the same was auctioned in public.

8. In such event, I am of the view that the petitioner is entitled for extension of the lease period which he had been denied to exploit for no fault of his. In fine, the Writ Petition stands allowed. The fourth respondent is directed to hand over



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the keys immediately on completion of renovation work of dress change room.

There shall be a further direction for extension of the lease period beyond 30.06.2025 for the un-exploited period, namely 10.12.2024 till the handing over of the keys to the petitioner. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

Index : Yes / No

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Internet : Yes / No

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To

- 1.The District Collector,
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Nagercoil, Kanyakumari District.
- 2.The Kanyakumari Special Grade Town Panchayat,
represented by its Executive Officer,
Kanyakumari District 629 702.



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K.KUMARESH BABU, J.

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