



W.P(MD)No.18937 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.18937 of 2025
and
W.M.P(MD)No.14503 of 2025

V.Baskaran

... Petitioner

Vs.

- 1.The Commissioner,
Office of the Commissioner HR & CE Department,
Chennai.
- 2.The Joint Commissioner,
HR & CE Department,
Madurai Region,
TNHB Colony,
Ellis Nagar,
Madurai.
- 3.The Assistant Commissioner,
HR & CE Department,
Madurai,
TNHB Colony,
Ellis Nagar,
Madurai.
- 4.The Executive Officer,
Arulmigu Balathandayuthabani Swamy Thirukoil,
Nethaji Road,
Madurai.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents 3 and 4 to conduct a fresh auction notification for the premises of 183/A, West masi Street, Madurai 625 001 and also to repay the petitioner's amount of Rs.7,32,000/- deposit amount made by the petitioner to respondent on 06.08.2021 on by fixing a time frame by this Court.

For Petitioner	: Mr.R.Ramasamy
For R1 to R3	: Mr.S.S.Madhavan Additional Government Pleader
For R4	: Mr.S.Manohar Standing Counsel

ORDER

This writ petition has been filed for a Mandamus to direct the respondents 3 and 4 to conduct a fresh auction notification for the premises of 183/A, West masi Street, Madurai 625 001 and also to repay the petitioner's amount of Rs.7,32,000/-, deposit amount made by the petitioner to respondent on 06.08.2021.

2. The petitioner was previously a licensee of the fourth respondent temple and was evicted from the premises earlier. It appears that the petitioner had approached this Court in W.P(MD)No.20941 of 2024, which came to be



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dismissed by this Court vide order dated 15.11.2024. The said order was affirmed by the Division Bench of this Court vide order dated 19.11.2024 in W.A(MD)No.2405 of 2024, which stands affirmed by the Hon'ble Supreme Court by dismissing the SLP(Civil)No.31155 of 2024 filed by the petitioner vide order dated 15.01.2025.

3. It is the case of the petitioner that the petitioner has complied with the directions and vacated the premises. It is further submitted that an auction was conducted on 14.08.2024, in which the petitioner has participated. However, the petitioner was declared unsuccessful. It is submitted that the successful bidder was required to deposit entire bid amount as per the conditions of the auction notice dated 14.08.2024. However, the successful bidder failed to deposit the same and thus, the amount paid by the successful bidder was forfeited. It is therefore submitted that respondents should re-auction the shop so that the petitioner can participate in the proceedings.

4. The learned Additional Government Pleader for the respondents 1 to 3 and the learned Standing Counsel for the fourth respondent having unison stated that the petitioner has caused damage to the property and the total amount due in respect of such damages caused is Rs.16,79,398/-. It is

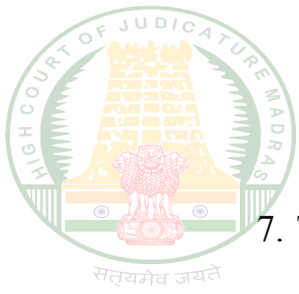


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submitted that even after adjusting the security deposit of ₹7,32,000/- furnished by the petitioner during the previous license period, the petitioner is still in arrears. Therefore, the petitioner cannot ask for mandamus as prayed for.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 3 and the learned Standing Counsel for the fourth respondent.

6. Although the learned counsel for the petitioner and the respondents tried to impress upon the conditions of the property by producing the photographs, this Court is of the view that, in exercise of its jurisdiction under Article 226 of the Constitution of India, it cannot be relegated as a civil suit to examine the evidence. It is for the fourth respondent to initiate proceedings against the petitioner to recover any amount on account of the alleged damages caused to the property. The property of the temple shall be auctioned in accordance with the provisions of the Hindu Religious and Charitable Endowments Act, 1959 and Religious Institution (Lease of Immovable Property) Rule, 1963.

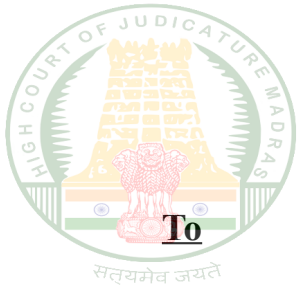


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7. Therefore, the writ petition is disposed of by granting liberty to the respondents to proceed with the fresh auction and also to initiate appropriate proceedings against the petitioner to recover the alleged loss caused to the property. In case the petitioner suffers from any other disability, the petitioner's bid may be rejected otherwise the petitioner should be allowed to participate in the fresh auction to be floated. It is also made clear that if the entire amount has already been paid by the successful bidder, the fresh auction shall be held only after the licence comes to an end. No costs. Consequently, the connected miscellaneous petition is closed.

14.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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