



W.A.(MD)No.3194 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.3194 of 2025
and
C.M.P.(MD)No.19623 of 2025

The Hereditary Trustee,
Arulmighu Muthumariamman Temple,
Thayamangalam Village,
Ilayangudi Taluk,
Sivagangai District.

... Appellant

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Office of the Joint Commissioner,
Thirupattur Road,
Sivagangai-630 561.

3.J.Sankeshwaran

... Respondents



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PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.(MD)No.33040 of 2025 dated 21.11.2025.

For Petitioner : Mr.R.Baskaran
Senior Counsel
for Mr.T.S.Mohammed Mohideen
For Respondents : Mr.J.Ashok (R1 & R2)
Additional Government Pleader
Mr.K.Jeyamohan (R3)

JUDGMENT

(Judgment of the Court was delivered by **DR.G.JAYACHANDRAN, J.**)

One Jeyaraman, father of the third respondent herein was the successful bidder in the tender floated by the appellant herein in respect of the license to collect rent from the temporary shops owned by Arulmighu Muthumariamman Temple (Temple) on the land measuring 16 acres in Survey No.72 of Thayamangalam Village for a period from 01.01.2025 to 31.12.2025. Unfortunately, he died on 25.06.2025.

2.It is also to be noted that Jeyaraman, while he was alive, has filed a writ petition stating that the license period has to be reckoned from March- 2025 to February- 2026, since the tender was approved by the HR & CE Department only in the month of March- 2025. However,



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the said request was declined by the Department as well as by the writ Court. Thus, the remaining unexpired period, after the death of Jeyaraman, was six months and five days. In such circumstances, his son namely, Sankeshwaran /writ petitioner had given a representation dated 04.11.2025 to the temple authorities either to permit him to continue as license holder or to refund the pro-rata license fee paid by his father for the remaining period.

3.Since the representation of the writ petitioner was not considered by the authorities and since the authorities had proceeded with public auction inviting tender for a license to collect rent from the temporary shop, the third respondent was forced to file the writ petition. In the said writ petition, the learned Single Judge has observed that two courses of action are open to the parties, either to make pro-rata refund to the third respondent for the unexpired period, or to permit the writ petitioner to exercise the license granted to his father.

4.Aggrieved by the said order, the hereditary trustee of the temple has filed the present writ appeal stating that the order of the learned Single Judge is contrary to law. If the licensee dies, the license



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fee cannot be refunded to his legal heirs. The writ petitioner had approached the temple authorities to continue the right of collecting rent only in the month of November, 2025. Meanwhile, the temple authorities have proceeded with public auction inviting offers for the license. Therefore, he would submit that the two courses of action envisaged by the learned Single Judge are incapable of implementation.

5.We have heard the submissions made by the learned counsel appearing for the third respondent/ writ petitioner, learned Additional Government Pleader for the official respondents and the learned counsel for the appellant.

6.The communication of the hereditary trustee/appellant herein to the Joint Commissioner, HR & CE Department vide letter dated 25.11.2024 reveals that the father of the third respondent had offered the highest bid of Rs.1,46,46,446/- and he has deposited the entire amount. Thereafter, Jeyaraman has requested the Joint Commissioner to confirm the tender in his favour. Accordingly, the Joint Commissioner has also confirmed the license in favour of Jeyaraman, subsequently.



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7.From reading of the above letter, we understand that it is the license for collecting rent from the temporary shops for a period of one year. The appellant herein had collected the entire license fee for the last year. However, the right of license was exploited only for five days less six months. The learned counsel for the appellant submits that after the death of Jeyaraman, the rent was not collected from the shop owners.

8.From the record, we find that the third respondent has claimed refund or right to continue rental collection only in the month of November, 2025. His request has not been considered and disposed, probably due to the notification calling for fresh tender and filing of the writ petition. In any event, the appellant cannot be enriched unjustly. Therefore, the appellant herein is directed to refund the pro-rata license fee to the third respondent/writ petitioner within a period of seven days from the date of receipt of this order.

9.With this observation and direction, this writ appeal stands disposed of. We make it clear that there is no impediment for the appellant herein to invite fresh offer for the subject license.



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Consequently, connected CMP stands disposed of. There shall be no order as to costs.

[G.J., J.] & [K.K.R.K., J.]
10.12.2025

Index :Yes/No
Internet :Yes
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To

- 1.The Commissioner,
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Endowment Department,
Nungambakkam,
Chennai-34.
- 2.The Joint Commissioner,
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