

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2015

Coram:

The Honourable MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4424 of 2015
and M.P.No.1 of 2015

T.Rajan

[Petitioner]

Vs

- 1 The District Collector
Collectorate Coimbatore-641 018.
- 2 The Block Development Officer (Village Panchayat)
Office of the Block Development Officer
Karamadai
- 3 The Executive Officer
Karamadai Town Panchayat Karamadai

[Respondents]

Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to forbear the 3rd respondent from conducting Gigantic swing games by the petitioner during the Karamadai Ranganathar Temple Cart Festival from 4th March 2015 to 6th March 2015 in respect of property is situated at S.F. No.360/1 360/2C Sikkaramampalayam Village Mettupalayam Taluk Coimbatore District.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.V.Jayaprakash Narayanan, SGP

O R D E R

Heard Mr.P.Saravanan, learned counsel for the petitioner. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner seeks a writ of mandamus forbearing the 3rd respondent from conducting Gigantic swing games in Sikkaramampalayam Village, Mettupalayam Taluk, Coimbatore District.

4. According to the petitioner, Sikkarampalaym Panchayat Union has decided to conduct the Gigantic Swing Porgrammes during Karamadai Ranganathar Temple Cart Festival from 4th March to 6th March 2015, and after Gramsabha meeting, a resolution was passed that the said programmes have to be conducted after getting proper permission. The 2nd respondent has forwarded the said resolution along with the President of Panchayat's letter dated 09.01.2015 for getting permission from the 1st respondent. Based on such recommendation, the 1st respondent has given permission vide order dated 14.01.2015 and directed the 2nd respondent to conduct auction. Accordingly auction was conducted and the petitioner was the successful bidder and paid the auction amount for licence to conduct the gigantic swing and also completed all the legal formalities to conduct such games. In such circumstances, the 3rd respondent has given petition to the 1st respondent to stop the gigantic swing programme and it would be conducted by the Panchayat since revenue loss would be caused for the 3rd respondent Panchayat. Therefore, the petitioner has given a representation on 17.02.2015 to restrain the 3rd respondent from conducting such gigantic swing programme in Sikkarampalaym Village. Since no order has been passed, the petitioner is before this Court.

5. At this stage of the matter, no relief as sought for by the petitioner could be granted. However, it is seen that a representation has been submitted to the respondents dated 17.02.2015 and the same is still pending.

6. In the light of the above, without going into the merits of the contentions raised by the petitioner, there will be a direction to the 2nd respondent to consider the representation of the petitioner dated 17.02.2015 and pass orders on merits and in accordance with law on or before 27.02.2015.

The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

rg

-s/d-

Assistant Registrar(CS-II)

Dt:23/2/2015

True Copy

Sub-Assistant Registrar

To

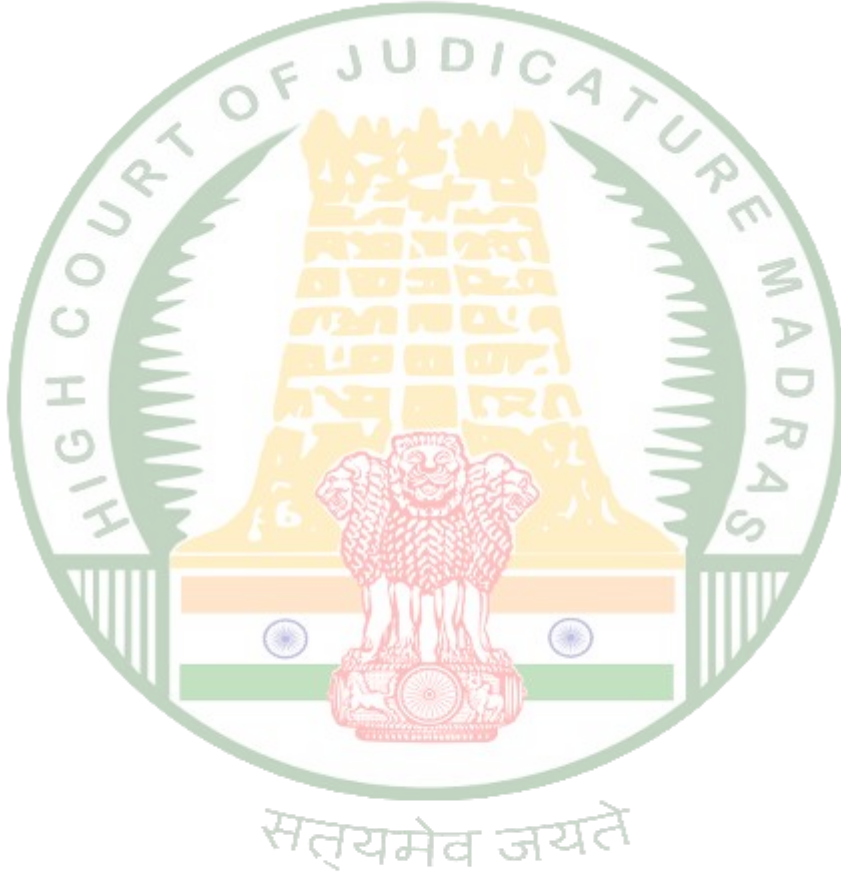
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