



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

Writ Petition (MD) No.12943 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

SELVAKANI

.. Petitioner

Vs.

1. THE EXECUTIVE OFFICER,
ILAYANGUDI TOWN PANCHAYAT, ILAYANGUDI,
SIVAGANGAI DISTRICT.

2, ILAYANGUDI TOWN PANCHAYAT
COUNCIL REP. BY ITS CHAIRMAN, ILAYANGUDI,
SIVAGANGAI DISTRICT.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 1st respondent to permit the petitioner to collect the fees in platform shops at Ilayangudi, Sivagangai District as per the confirmation order made in Na.Ka.No.68/2015/A1 dated 31.3.2015 on the file of the 1st respondent in pursuance of Auction notification made in Na.Ka.No.68/2015, dated 09.03.2015 in favour of the petitioner.

For petitioner : Mr.V.Kannan

For Respondent : Mr.K.P.Krishnadoss

Government Advocate

ORDER

The writ petition has been filed praying this Court for issuance of a Writ of Mandamus directing the 1st respondent to permit the petitioner to collect the fees in platform shops at Ilayangudi, Sivagangai District as per the confirmation order made in Na.Ka.No.68/2015/A1 dated 31.3.2015 on the file of the 1st respondent in pursuance of Auction notification made in Na.Ka.No.68/2015, dated 09.03.2015 in favour of the petitioner.

2.In the affidavit, it has been averred that the first respondent herein has called for a public auction through his notification made in Na.Ka.No.68/2005 dated 09.03.2015 for the license to collect daily fees in Platform shops, Ilayangudi for the year 2015-2016. The auction was conducted on 24.03.2015 and many persons have participated in the public auction. The petitioner was the highest bidder and hence, the bid quoted by the petitioner was accepted on 31.03.2015. The petitioner paid Rs.10,000/- towards the caution deposit. Thereafter, the second respondent council confirmed the auction in favour of the petitioner. But the first respondent refused to carryout the resolution passed by the second respondent



Panchayat Council. Thereafter, the petitioner came to know that the first respondent has decided to give permission to collect daily fees in Platform shops to a third party. Hence, the petitioner has come forward with this writ petition.

3. Today, when the matter is taken up for hearing, the learned Government Advocate denies the statement of the petitioner that the first respondent has decided to give permission to collect daily fees to a third party. He has further submitted that the respondents have no objection for collection of the daily fees by the petitioner provided that the petitioner agrees to collect the daily fees as per the conditions of the license. He has also produced the written instruction given by the Executive Officer, Ilayangudi town Panchayat, Sivagangai District in this regard.

4. The learned counsel for the petitioner replied that he had never violated the conditions of the license in collecting the daily fees from the plot form shop owners. He has no intention to violate the said conditions at any point of time.

5. In view of the submissions made by both the parties, this Court is of the view that there is no need to give any specific direction by this Court. Hence, recording the submission of the learned Government Advocate that they have no objection in collecting the daily fees by the petitioner from the shops, as per the conditions of the license, the writ petition could be closed. Accordingly, this writ petition is closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. THE EXECUTIVE OFFICER,
ILAYANGUDI TOWN PANCHAYAT, ILAYANGUDI,
SIVAGANGAI DISTRICT.

2. THE CHAIRMAN,
ILAYANGUDI TOWN PANCHAYAT COUNCIL
ILAYANGUDI,
SIVAGANGAI DISTRICT.

+ 1 CC TO MR.V.KANNAN, ADVOCATE SR NO. 43818

RJ2

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W.P. (MD) No.12943 of 2015
03.08.2015