



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.19993 of 2015

V.Paulmoni

... Petitioner

Vs.

1.The District Collector,
O/o.the District Collector,
Kanyakumari District.

2.The President,
Kanyakumari Town Panchayat (Special Grade),
Kanyakumari District.

3.The Executive Officer,
Kanyakumari Town Panchayat (Special Grade),
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Auction Notice in Na.Ka.No.447/2015/A2 dated 17.10.2015 published in Dhina Thanthi Tamil News daily by the 2nd and 3rd Respondents and quash the same as illegal and consequently forbear the Respondents herein from letting the pathway - vacant space in Sannathi Street and Beach Road at Kanyakumari District in future and consequently direct the Respondents to upheld the norms in collecting the parking and entry fees for the tourist vehicles by excluding own board vehicles from charges.

For Petitioner	: Mr.S.Rajasekar
For 1 st Respondent	: Mr.C.Selvaraj, Special Government Pleader.
For Respondents 2&3	: Mr.Aayiram K.Selvakumar

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner has come up with this Public Interest Litigation challenging an auction notice published by the Kanyakumari Town Panchayat (Special Grade) inviting applications for the grant of tender for the collection of parking fees from vehicles and also for the grant of licence to run shops in the open space.

2.Heard Mr.S.Rajasekar, learned counsel for the petitioner. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the first respondent. Mr.Aayiram K.Selvakumar, learned Standing Counsel takes notice for the respondents 2 and 3.



3. The written instructions provided by the third respondent to the learned Standing Counsel shows that the area covered by the Kanyakumari Town Panchayat (Special Grade) has much inflow of tourists during the period from 17.11.2015 to 20.01.2016. In order to provide facilities to the tourists and the pilgrims, the Kanyakumari Town Panchayat (Special Grade) anticipates an expenditure of more than about Rs.94 lakhs. Therefore, with a view to augment its financial resources, it has issued the advertisement impugned in the writ petition. By the said advertisement, the licence to collect parking fees from vehicles is proposed to be auctioned. The licence to run shops in the open space is also proposed to be auctioned.

4. The objection of the petitioner to the auction notification is two fold:-

"(a) that the movement of pedestrians in the roads in question will be completely obstructed, if shops are allowed to come up with the open space and

(b) that no parking fees should be collected from the vehicles of at least those who reside within the Kanyakumari Town Panchayat".

5. Unfortunately, it appears that the petitioner's brother was having a cart through which he was carrying on business in the same street. In an eviction drive undertaken by the Kanyakumari Town Panchayat, the petitioner's brother is said to have been evicted and this has led to the present litigation by way of a Public Interest Litigation.

6. In the light of the above background narrated by the learned Standing Counsel for the respondents 2 and 3, we do not think that a Public Interest Litigation can be entertained on this aspect. Persons who have a private interest cannot convert the same into a Public Interest Litigation.

7. The leasing out of the open space is not objected to by persons having shops. Therefore, the petitioner cannot have any objections. Moreover, if the open space is sought to be encroached by street vendors, the noble object that is sought to be professed by the petitioner will not get served in any case. Therefore, we see no reason to entertain the Public Interest Litigation. Hence, it is dismissed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar (Per.Admn.)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
O/o. The District Collector,
Kanyakumari District.



2. The President,
Kanyakumari Town Panchayat (Special Grade)
Kanyakumari District.

3. The Executive Officer,
Kanyakumari Town Panchayat (Special Grade)
Kanyakumari District.

+1 CC to Mr.T.Lajapathi Roy, Advocate, SR No.64919
+1 CC to Special Government Pleader, SR No.65010

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SH/SKS-RR:26.11.2015:3P/6C