

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Review Application (Writ) No.40 of 2016

Gangai Konda Cholapuram Panchayat,
rep. by its President,
Gangai Konda Cholapuram P.O.
Udayarpalayam Taluk,
Ariyalur District - 612 901.

...Petitioner

Vs.

1. M.Mohan

2. The Assistant Director,
Panchayats and Audit,
Collectorate, Ariyalur District.

...Respondents

This Review Application has been filed under Order XLVII Rule 1
r/w 114 of the Code of Civil Procedure against the order passed by this
Court in W.P.No.12264 of 2016, dated 01.04.2016.

For Petitioner : Mr.R.Thiyagarajan
Senior Counsel for
M/s.M.Muthukrishnan

For Respondent-1 : Mr.G.Ethirajulu
for Mr.Pitty Parthasarathy

For Respondent-2 : Mr.R.Rajeswaran
Special Government Pleader

ORDER

Heard Mr.R.Thiyagarajan, learned Senior Counsel, assisted by Mr.M.Muthukrishnan, the learned counsel appearing for the review petitioner, Mr.G.Ethirajulu, learned counsel for first respondent and Mr.R.Rajeswaran, the learned Special Government Pleader for second respondent.

2. This Review Application has been filed to review the order and direction issued in W.P.No.12264 of 2016, dated 01.04.2016.

3. The said Writ Petition was filed by the first respondent herein for issuance of Writ of Mandamus to direct the respondents to extend the license period to collect fees from the users of Sri Thyagarajan Memorial Santhai (Shandy) from 01.04.2016 to 08.06.2016. The Writ Petition was disposed of by order, dated 01.04.2016, by permitting the writ petitioner to collect the fees for the balance three months on the premise that the licence period is for 12 months, and the petitioner was granted licence only for a period of 9 months. As there was no serious objection from the opposite side, the Writ Petition was disposed of by issuing such direction. Today,

the learned counsel appearing for the review petitioner has produced the original records to show that the licence itself, was granted only from 09.06.2015. In order to satisfy that such submission is factually correct, this Court summoned the original minutes book of the resolution passed by the review petitioner/Panchayat. On perusal of the original minutes book, it is seen that first auction was conducted on 29.04.2015, in which, there was chaos and commotion, and there were no bidders, and it was adjourned. Subsequently, second auction was conducted on 21.5.2015, in which, there was one successful bidder, however, he defaulted in paying the bid amount, and therefore, third auction was called for on 05.06.2015, in which, there was a bidder, who also defaulted in paying the bid amount, hence, fourth auction was conducted on 09.06.2015, where, the writ petitioner was the successful bidder. It was made clear that the license is only from 09.06.2015, and the receipt issued to the petitioner for payment of the bid amount also clearly shows that the licence period is only from 09.06.2015 to 31.03.2016. Therefore, the first respondent herein/writ petitioner, cannot claim that he should be granted licence from 01.04.2016 onwards. The plea, being inconsistent with the factual aspect, more particularly, when the first respondent/writ petitioner himself has reconciled to the fact that the licence

was only from 09.06.2015, the relief could have been granted to him.

4. In the light of the above, there is an error, which is apparent on the face of record. Hence, this Review Petition has to be allowed, and accordingly, the same is allowed. Consequently, the order passed in W.P.No.12264 of 2016, dated 01.04.2016, is set aside and the Writ Petition is dismissed. No costs.

07.04.2016

sd

Index : yes/no

Note to Office : Issue order copy on 11.04.2016

To

The Assistant Director,
Panchayats and Audit,
Collectorate, Ariyalur District.

T.S.Sivagnanam, J.

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