

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25013/2016 & WMP.No.21375/2016

M.Thiayarajan

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Petitioner

Versus

1.The District Collector
Erode District, Erode.

2.The Commissioner,
Erode Corporation, Erode.

3.The Superintendent of Police
Erode District, Erode.

4.The Executive Officer
Arulmigu Aruthra Kabaleeswaran Thirukoil
Eswaran Koil St., Erode-1.

5.Murugesan

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to consider the representation of the petitioner dated 16.07.2016.

For Petitioner : Mr.M.Guruprasad
For RR 1 & 3 : Mr.P.Sanjay Gandhi, AGP
For R2 : Mr.M.Raja Mathivanan
For R4 : Mr.K.V.Dhanapalan, AGP {HR&CE}

ORDER

By consent, the writ petition is taken up for final disposal.

2 The grievance expressed by the petitioner appears to be that the road margin near the temple belongs to the 2nd respondent / Corporation and however, the 4th respondent seeks to conduct the auction for location of flower shops and parking of vehicle and in this regard, the petitioner has submitted a representation dated 16.07.2016 to the 1st respondent praying for appropriate action and since no response is forthcoming, the petitioner has come up with the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the letter of the 2nd respondent dated 17.06.2016 in Na.ka.No.H1/2751/2016 and would submit that the official has addressed the said letter to the 4th respondent stating

that with regard to the representation submitted by the devotees who are the residents of Ward No.27, further proceedings cannot be taken and till such time, requested the 4th respondent to defer the action and despite that, the 4th respondent is proceeding with the auction and prays for appropriate orders.

4 This Court heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 3 ; Mr.M.Raja Mathivanan, learned counsel who accepts notice on behalf of the 2nd respondent and Mr.K.V.Danapalan, learned Additional Government Pleader {HR&CE}, who accepts notice on behalf of the 4th respondent and who would submit that the 4th respondent in response to the above said communication, has given his response dated 20.06.2016, pointing out that every year auction has been taking place and even in the last year, the complainant, viz., Thiru Vijay Baskar, himself has participated in the auction and therefore, prays for appropriate orders.

5 This Court has carefully considered the rival submissions and also perused the materials placed before it.

6 This Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 2nd respondent to conclude the enquiry in terms of the communication dated 17.06.2016 as to whether the road margin in question belongs to the 2nd respondent or to the temple within a period of six weeks from the date of receipt of a copy of this order and the 4th respondent may conduct the auction ; but the result of the same shall not be declared or published until the 2nd respondent passes orders.

7 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते
sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The District Collector
Erode District, Erode.

2.The Commissioner,
Erode Corporation, Erode.

3.The Superintendent of Police
Erode District, Erode.

4.The Executive Officer
Arulmigu Aruthra Kabaleeswaran Thirukoil
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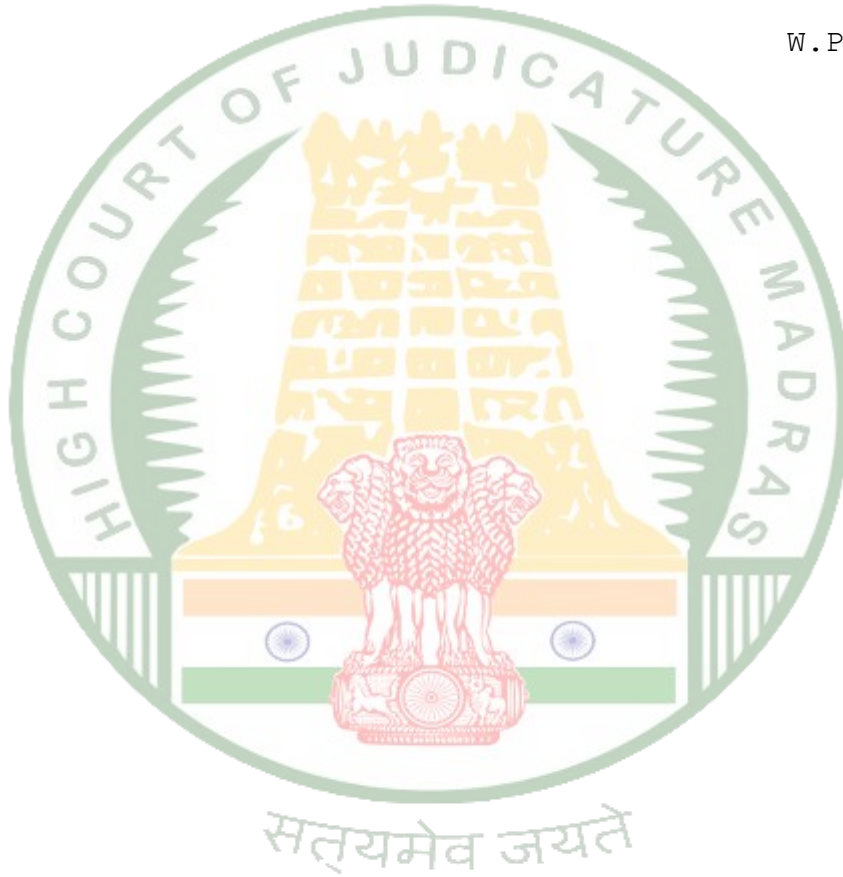
+1 cc Mr.Raja Mathivanan, Advocate,sr.40929

+1 cc to M.Guruprasad, Advocate,sr.40976

+1 cc to Government Pleader,sr.41125.

vs (co)
krd 22/7

W.P.No.25013/2016



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