



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2016

CORAM:

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.20966 of 2016

and

W.M.P. (MD) Nos.14961 and 14962 of 2016

R.Shanmugaperumal

... Petitioner

Vs.

1.The District Collector,
at Nagercoil, Kanyakumari District.

2.The Assistant Director of Town Panchayat,
The District Collector Complex,
Nagercoil, Kanyakumari District.

3.The Executive Officer,
Kanyakumari Special Grade Panchayat Office,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 3rd respondent pertaining to its notification in Na.Ka.No.535/2016/A2 dated 08.10.2016 published in Dina Thanthi dated 09.10.2016 and quash the same with regard to serial No.1 that is the license to collect parking charges on the northern side of Survey Nos.498 and 531, thereby permitting to make collection at the Vivekanandhapuram junction and at the meeting point of four way track at Kovalam, Kanayakumari road.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.T.S.Moh.Mohideen, AGP

O R D E R

The Writ petition has been filed to quash the Serial No.1 of the notification in Na.Ka.No.535/2016/A2 dated 08.10.2016 published in Dinathanthi.

2.The main contention of the petitioner is that the parking charges, which should be collected only from the place of parking the vehicle and that it shall not be collected from any other place.



3.The learned Additional Government Pleader for the respondents would submit that till 2015 parking charges have been collected not only at the place of parking and it was also collected elsewhere.

4.Till 2015, an irregular collection or illegal collection has been effected and that cannot be the ground to permit the respondents to collect the same for this year also. Hence, the contention of the petitioner that permitting the respondents to collect parking charges in any other place, except the parking place, would enable the respondents to collect parking charges from the persons, who are not parking the vehicle is acceptable.

5.Under such circumstances, the 3rd respondent is directed to collect parking charges only at the place of parking the vehicles. This Writ petition is ordered accordingly. No costs. Consequently, connected C.M.Ps.are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
at Nagercoil, Kanyakumari District.

2.The Assistant Director of Town Panchayat,
The District Collector Complex,
Nagercoil, Kanyakumari District.

3.The Executive Officer,
Kanyakumari Special Grade Panchayat Office,
Kanyakumari District.

+1cc to Spl.Government Pleader Sr.No.67437

+1cc to Mr.S.C.Herold Singh,Advocate Sr.No. 67633

Jam/17.02.17 /PM-PN/2P-6C

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