

In the High Court of Judicature at Madras

Dated : 22.12.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice K.RAVICHANDRABAABU

Writ Petition No.33822 of 2017 & WMP.No.37480 of 2017

L.Kalivarthan

...Petitioner

Vs

1.The State Government of Puducherry,
Local Administration Department
Puducherry State, Puducherry.

2.The Commissioner, Mannadipet
Commune Panchayat, Thirubhuvanai,
Puducherry State.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the auction notice issued by the second respondent in proceedings in No. 34-I/MaKoPa/Varuvai/2017-18 on the file of the second respondent dated 06.12.2017, quash the same and forbear the respondents to tap of the toddy in the second respondent Mannadipet Commune Panchayat, Tirubhuvanai, Puducherry State based on the petitioner's representation dated 08.12.2017.

For Petitioner : Mr.K.Sathyaraj

For Respondents: Mr.R.Gandhiraj, GP (Puducherry)

(2)

Order of the Court was made by T.S.SIVAGNANAM, J

Mr.R.Gandhiraj, learned Government Pleader (Puducherry) accepts notice for the respondents. Heard both.

2. The petitioner has filed this writ petition, styled as a public interest litigation, challenging an auction notification issued by the second respondent calling for tender for the grant of licence to tap toddy from palm trees.

3. The grievance of the petitioner appears to be that toddy, which is tapped from the palm trees, are being consumed beneath the trees thereby causing nuisance to the local public. In this regard, a representation has been given to the Authorities on 08.12.2017.

4. From the copy of the said representation furnished in the typed set of papers, we find that some other persons are also signatory to the said representation. In any event, the impugned Notification is only for the right to tap toddy and not for sale. Thus, if the petitioner's grievance is that persons, who tap toddy, are consuming the same right under the tree, he should approach the concerned Authority by way of a separate representation and for that reason, we cannot entertain a challenge to the auction notification.

5. Hence, the above writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

6. However, this will not stand in the way of the petitioner for ventilating his grievance before the appropriate authority by way of a representation.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1.The State Government of Puducherry, Local Administration
Department

Puducherry State, Puducherry.

2.The Commissioner, Mannadipet Commune Panchayat,
Thirubhuvanai,
Puducherry State.

+1cc to Mr.K.Sathyaraj, Advocate sr.92050

+1cc to Government Pleader, Advocate sr.92432

WP.No.33822 of 2017&
WMP.No.37480 of 2017

nr 18/01/2018