



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P.[MD].No.12188 of 2017

M.Thangamani

: Petitioner

Vs.

1. The District Collector,
Collectorate Complex, Sivagangai District.
2. The Director of Town Panchayat,
Kuralagam, Chennai -108.
3. The Executive Officer,
Selection Grade Town Panchayat,
Manamadurai, Sivagangai District.
4. The Deputy Superintendent of Police,
(Vigilance & Anti Corruption),
No.3/331, Thiruppathur Road,
Sivagangai - 630 561.

5. S.Murugan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying to issue as Writ of Mandamus directing the 3rd respondent to collect the Daily and Weekly Market fees in Manamadurai Town Panchayat, Sivagangai District till the public auction is held and also direct the 3rd respondent to conduct a fresh auction by complying all formalities within the stipulated period.

For Petitioner : Mr.S.Arivalagan

For R1, R2 and R4 : Mr.T.S.Mohammed Mohaideen
Additional Government Pleader

For R3 : Mr.M.Muthukannan

ORDER

[Order of the Court was made **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Arivalagan, learned counsel appearing for the petitioner and Mr.T.S.Mohammed Mohaideen, learned Additional Government Pleader appearing for the respondents 1, 2 and 4, and Mr.M.Muthukannan, learned counsel for the third respondent.



2. The petitioner has filed this Writ Petition, styled as Public Interest Litigation, for a direction to the 3rd respondent Town Panchayat to collect Daily and Weekly Market fees in Manamadurai Town Panchayat. This is by deputing their staffs. The reasons for the petitioner to approach this Court by way of this Writ Petition is on account of the fact that the fifth respondent who is erstwhile licensee, whose term of license came to end on 31.03.2017 had filed Writ Petition before this Court in W.P.(MD) No.3807 and 3819 of 2017 for considering his representation, seeking extension of time to collect fee from the Daily and Weekly Market. The Writ Petition was disposed of directing the third respondent to consider his representation within a time frame. This was not considered. Therefore, the fifth respondent filed one more Writ Petition in W.P.(MD).No.5492 of 2017 for the very same relief in which an order of status-quo was granted. Subsequently, another Writ Petition has been filed in W.P.(MD)No.7739 of 2017 for the very same relief in which also an order of status-quo was granted.

3.The learned counsel for the petitioner would submit that the third respondent, the Executive Officer of the Manamadurai Selection Grade Town Panchayat has not passed any order on the representation of the petitioner as per the Court's order and also not taking steps to vacate the interim order of status-quo granted in the above two writ petitions, which are pending.

4.The learned Standing Counsel for the third respondent would submit that the representation of the fifth respondent was considered by passing a speaking order and the third respondent has filed a counter affidavit and vacate stay petition and the matter is yet to be listed before the learned Single Bench.

5.In the facts and circumstances of the case, we do not propose to keep this Writ Petition pending any longer and it is suffice to give liberty to the petitioner to implead himself in the above writ petitions to place on record the above facts which they have mentioned in the affidavit filed in support of the Writ Petition.

6.With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar



To

1. The District Collector,
Collectorate Complex, Sivagangai District.

2. The Director of Town Panchayat,
Kuralagam, Chennai -108.

3. The Deputy Superintendent of Police,
(Vigilance & Anti Corruption),
No.3/331, Thiruppathur Road,
Sivagangai - 630 561.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 63131.

LS

PSM/MR-KKR/SAR2/21.07.2017/3P/5C

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