



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)Nos.12279 of 2017andW.M.P(MD)Nos. 9438 to 9440 of 2017

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Sri Durgambika Devasthanam Trust,
Rep. By its Secretary,
S.Subbaiah,
Jagannathan Nagar, Seevalaperi,
Tirunelveli District.

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Block Development Officer,
Palayamkottai, Tirunelveli District.

3.The Special Officer/Block Development Officer,
Seevalaperi Village Panchayat,
Palayamkottai, Tirunelveli District.

4.Annadurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Na.Ka.No.A8/1965/2017 dated 18.05.2017, on the file of the first respondent and the consequent Impugned Auction Notice in Na.Ka.No.A3/5462/2016(2) dated 01.06.2017, on the file of the second respondent for levying landing fee and halting fee in Seevalaperi, Tirunelveli District and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate, for R.1 to R.3

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O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> This petition has been filed to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Na.Ka.No.A8/1965/2017 dated 18.05.2017, on



the file of the first respondent and the consequent Impugned Auction Notice in Na.Ka.No.A3/5462/2016(2) dated 01.06.2017, on the file of the second respondent and quash the same.

2. The brief facts of the case is as under:

2.1. The petitioner trust owns and manages the temple viz., Sri Durgai Amman Temple, Seevalaperi Village Panachayat. As the said temple is a very famous one in the locality, large number of general public came there for worshipping, in their vehicle. The temple is situated in a private property owned by the petitioner trust, and as lot of space is available around the temple, the petitioner trust has allowed the worshippers to park their vehicle in the premises of the temple.

2.2. While so, the first respondent in order to augment income, proposed to collect fees from vehicles that enters into the panchayat limit, directed the second respondent in his proceedings in Na.A8/1965/2017 dated 18.05.2017, to conduct auction for collecting landing and halting fees from the vehicles entering the Panchayat limit for the purpose of visiting the temple. Whereupon, the third respondent forwarded an auction notification dated 01.06.2017, to the second respondent for collecting landing and halting fee for the period from 01.06.2017 to 31.05.2018, fixing the date of auction as 13.06.2017. In the said auction, the fourth respondent herein has been declared as successful bidder.

2.3. Aggrieved by this action of the respondents, the petitioner trust is before this Court by filing this writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the 1st to 3rd respondents.

4. The learned Government Advocate appearing for the respondents 1 to 3, on instructions, would submit that they are collecting only the parking fees in Survey Nos. 1481, 1482, 1483, 1484 and also in Survey No.847, which are the vested properties of the Palayamkottai Panchayat Union, but not the entry fees. It is also made so clear by the learned Government Advocate that there is no attempt to collect any entry fee.

5. Recording the submissions of the learned Government Advocate, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)



To

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3.The Special Officer/Block Development Officer,
Seevalaperi Village Panchayat,
Palayamkottai, Tirunelveli District.

+One cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.67367

+One cc to The Special Government Pleader, SR.No.67953

gk

RL/6C/3P/SKN/RSK/SAR1/2/8/2017

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and
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