



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

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THE HON'BLE MR.JUSTICE K. RAVICHANDRABAABU

W.P. (MD) No. 5471 of 2016

and W.M.P. (MD) No.4915 of 2016

1.K.P.Mariappan

2.K.P.Kayambu

3.K.Venkatesan

4.Kalidas

5.Murugesan

6.Vijayan

... Petitioners

-Vs-

1.The District Collector,
Pudukottai District.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

3.The Superintendent of Police,
Pudukkottai District.

4.The Tahsildar,
Aavudayaarkoil Taluk,
Pudukkottai District.

5.The Inspector of Police,
Meemisal Police Station,
Aavudayarkoil Taluk,
Pudukottai District.

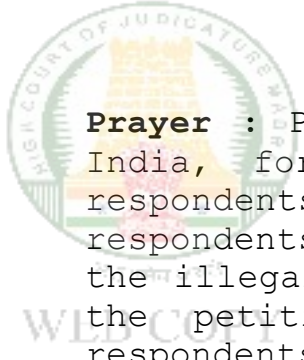
6.Ganesan

7.Jeyachandran

<https://hcservices.ecourts.gov.in/hcservices/>

8.Haridass

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the respondents 1 to 5 to take appropriate legal action against the respondents 6 to 8 and other members of the Village Committee for the illegal violation of fundamental right to life and liberty of the petitioners and a consequential direction directing the respondents 1 to 5 to prohibit the village committee from conducting auction for the usage of fish market of R. Puthupattinam Village, Aavudayarkoil Taluk, Pudukkottai District and to conduct a public auction for the same in the manner known to law.

For Petitioners	: Ms. Porkodi Karnan
For Respondents 1 to 5	: Mr. C. Selvaraj
	Special Government Pleader
For Respondents 6 to 8	: Mr. P. Ganapathi Subramaniam

O R D E R

This writ petition is filed seeking mandamus to take legal action against the respondents 6 to 8 and other members of the village committee by contending that the respondents 6 to 8 are illegally conducting auction for the usage of Fish Market at R. Puthupattinam Village, Aavudayarkoil Taluk, Pudukkottai District.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the respondents 6 to 8.

3. It is not in dispute that the Fish Market at R. Puthupattinam Village is under the control of the Government. The grievance of the petitioners is that the auction for usage of the said Fish Market is privately conducted by the respondents 6 to 8 in order to facilitate the persons of their choice. Therefore, the petitioners want such auction to be conducted by the revenue officials themselves.

4. Today when the matter is taken up for hearing, the learned counsel appearing for the respondents 6 to 8 submitted that the allegations made against the respondents 6 to 8 are totally false and they are not conducting auction as stated by the learned counsel for the petitioners. The learned counsel further submitted before this Court that the respondents 6 to 8 will not indulge in such action, since conducting of auction has to be done only by the revenue officials.

5. The learned Special Government Pleader appearing for the respondents 1 to 5 submitted that there are two rival groups in the village fighting with each other in respect of using the Fish Market. He further submitted that the Peace Committee held also



failed as one of the parties did not co-operate. The learned Special Government Pleader further submitted that the fourth respondent, namely, the Tahsildar will conduct public auction for the usage of the Fish Market and therefore, apprehension of the petitioners is not having any basis.

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6. Upon hearing the submission of the learned counsel appearing on either side and considering the facts and circumstances of the present case, I am of the view that the petitioners' apprehension is not well founded. Moreover, the respondents 6 to 8 through their counsel have also stated that they are not conducting any auction. Therefore, it is for the fourth respondent to look into the matter and conduct public auction for the usage of the Fish Market in accordance with law.

7. In the result, this writ petition is disposed of by directing the fourth respondent to conduct public auction for the usage of Fish Market in R. Puthupattinam Village by following due process. The petitioners as well as the respondents 6 to 8 and other interested persons can take part in such auction without giving room for any law and order problem. No costs. Consequently, connected W.M.P. (MD) No.4915 of 2016 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector, Pudukottai District.
2. The Revenue Divisional Officer, Aranthangi, Pudukottai District.
3. The Superintendent of Police, Pudukkottai District.
4. The Tahsildar, Aavudayaarkoil Taluk, Pudukkottai District.
5. The Inspector of Police, Meemisal Police Station, Aavudayarkoil Taluk, Pudukottai District.

+1 cc to M/S. POLAX LEGAL SOLUTIONS, SR.NO.6769

+1 cc to MR.P.GANAPATHI SUBRAMANIAN, Advocate SR.No.6724

+1 cc to Special Government Pleader SR.No.69000

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and W.M.P. (MD) No.4915 of 2016
07.02.2017**

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