

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 12433 of 2018

And

W.M.P.Nos. 14566 & 14567 of 2018

Thirupampuram Village Panchayat
Represented by its Special Officer,
Cum Block Development Officer (Village Panchayat)
Kudavasal Block,
Thiruvarur District ... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Thanjavur.
2. The Executive Officer,
Arulmigu Sheshapureeswarar Thirukoil,
Thirupampuram,
Kudavasal Taluk,
Thiruvarur District.
3. The Fit person
Arulmigu Sheshapureeswarar Thirukoil,
Thirupampuram,
Kudavasal Taluk,
Thiruvarur District. ... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to public auction/tender notice dated nil/- issued by 2nd and 3rd respondents for conducting public auction on 17.05.2018 in so far as vehicle parking license (Item-3) concerned and quash the same and further forbear the respondents from collecting any amount from the owners of vehicles parked in public roads vested with petitioner Panchayat in survey numbers 137/9, 137/11 and 138/9 in Thirupampuram village, Kudavasal Taluk, Thiruvarur District in the name of parking/license fee.

For Petitioner : Mr.S.Sounthar
For R1 : Mr.M.Maharaja
Special Government Pleader
For RR 2 & 3 : Mr. A.R.Niclas

O R D E R

Mr.Maharajan, learned Special Government Pleader for HR & CE, takes notice for the first respondent and Mr. A.R.Niclas, learned counsel takes notice for the second and third respondents.

2. By consent, the main Writ Petition itself is taken up for disposal.

3. The petitioner has come to the Court stating that Survey.Nos. 137/9, 137/11 and 138/9 in Thirupampuram Village, Kudavasal Taluk, Thiruvarur District are public roads vested with the petitioner's Panchayat. The petitioner is aggrieved because the second respondent has issued a tender notice calling for interested persons to participate in tender proceedings for collection of parking charges. Unfortunately, in the tender notice the specific survey numbers have not been given. The date of the tender notice is also not there in the notice.

4. However, Mr.Maharaja, learned Special Government Pleader appearing for the first respondent and Mr.Niclas, learned counsel appearing on behalf of the second and third respondents stated that the auction is to be conducted only with respect to Survey.Nos. 138/19, 137/02 and 81, for which, no relief has been sought by the petitioner. It would only be in just that while awarding the tender, the respondent specifically mention the survey numbers, for which the tender has been invited and for which parking fees can be collected. It would also be better, if a separate field map is prepared demarking the areas.

5. With the above observations, the Writ Petition is disposed of. If at all the respondents appear to encroach the survey numbers mentioned in the Writ Petition, the petitioner is given liberty to file separate Writ Petition. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Asst.Registrar (Rules)

/true copy/

Sub Asst. Registrar

vsg/rpl

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Thanjavur.

2. The Executive Officer,
Arulmigu Sheshapureeswarar Thirukoil,
Thirupampuram,
Kudavasal Taluk,
Thiruvarur District.

+1cc to Mr.S.Sounthar, Advocate, SR.No.33618

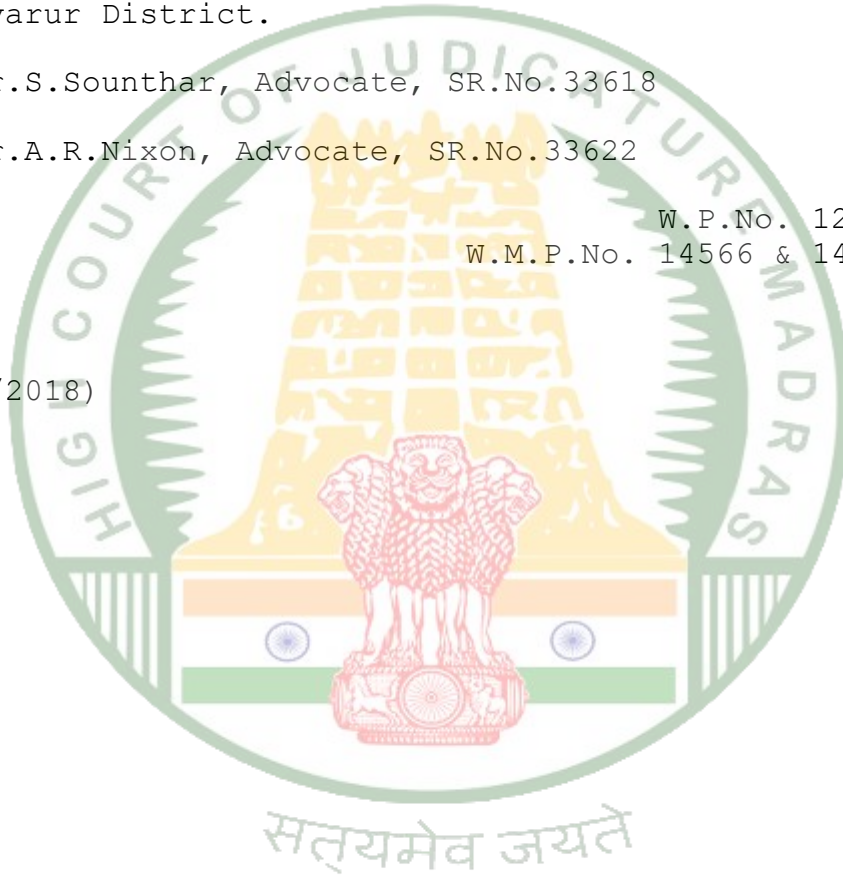
+1cc to Mr.A.R.Nixon, Advocate, SR.No.33622

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SSI (CO)

RRK (18/05/2018)



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