

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.11.2018
CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.25843 of 2018
and
W.M.P.No.30045 of 2018

K. Mohan ... Petitioner

Versus

1. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
 2. The Assistant Commissioner/Executive Officer,
Arulmigu Patteswaraswamy Thirukovil,
Perur, Coimbatore - 641 010.
 3. The Executive Officer,
Perur Town Panchayat,
Perur, Coimbatore - 641 010.
- Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to forthwith allot alternative place of "Raja Gopuram Main Ground" instead of "Aartu Mandapam" at Arulmigu Patteswaraswamy Thirukovil, Perur, Coimbatore and permit the petitioner to collect vehicle parking charges at "Raja Gopuram Main Ground" in Arulmigu Patteswaraswamy Thirukovil, Perur, Coimbatore.

For Petitioner : Mr.P.Saravana Sowmiyan
For RR1 : Mr.M.Maharaja
Special Government Pleader (HR & CE)
For R3 : Mr.M.Jothikumar
Additional Government Pleader
For R2 : Mr.Rajesh Vivekanandhan

O R D E R

The petitioner claims to be the highest bidder in the auction conducted on 09.07.2018 by the respondents 1 and 2. The auction is with respect to Item No.1, which is for collecting charges for parking the vehicles in the second respondent temple premises.

2. It is stated that the petitioner has been collecting parking charges as per the tender conditions and there is no complaint against him. While so, the third respondent, who is the Executive Officer of the Town Panchayat, prevented the petitioner from collecting parking charges for the vehicles parked in "Aatru Mandapam" and also displayed board at "Aatru Mandapam" prohibiting parking of the vehicles. It is stated that the petitioner has given representation to the second respondent informing about the obstruction caused by the third respondent. The second respondent in Na.Ka.No.337/2018/dated 31.07.2018 stated that the land belongs to the temple as per the Judgment and Decree passed in O.S.No.464 of 1987 on the file of Sub Court, Coimbatore.

3. It is the grievance of the petitioner that despite having got license for collecting parking charges for the past four years continuously, the third respondent is now preventing the petitioner from using the place.

4. Be that as it may, even the tender notice with respect to Item No.1 says "Vellikilamai Amman Thoppu and Aatru Mandapam Paguthigal". According to the learned counsel for the first and second respondents, this is only the area near "Aatru Mandapam" and not inside the "Aatru Mandapam" and there is a confusion with respect to area which has been earmarked for the petitioner as per the tender notification.

5. The first and second respondents in consultation with the third respondent are directed to earmark the area within which the petitioner can do the collection charges for parking of vehicles and the petitioner is also directed to co-operate with the authorities and not to exceed or encroach upon the area outside the area earmarked for the purpose of parking the vehicles. The authorities are directed to complete the said exercise within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi/ssr

To

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3. The Executive Officer,
Perur Town Panchayat,
Perur, Coimbatore - 641 010.

+lcc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No. 76908
+lcc to Mr.R.Rajesh Vivekananthan, Advocate, S.R.No. 77167
+lcc to the Government Pleader, S.R.No. 77091

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SPD(CO)
GN(10/12/2018)



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