

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twelfth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

WP (MD) No.17141 of 2019
and
WMP (MD) No.13663 of 2019

P.K.S.SIKKANDAR ALI

... PETITIONER

Vs

1.THE DISTRICT COLLECTOR,
DINDIGUL DISTRICT.

2.THE ADDITIONAL DIRECTOR OF PANCHAYATS,
DINDIGUL DISTRICT.

3.THE EXECUTIVE OFFICER,
SELECTION GRADE TOWN PANCHAYATS,
NILAKOTTAI, DINDIGUL DISTRICT.

4.MOHANRAJ

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus forbearing the 4th respondent from collecting the exorbitant rent/fee in the public weekly Market, Nilakottai from the traders/members of the petitioner's association except the fees as fixed for 33 items by the 3rd respondent and also to direct him to issue the receipt for the same.

Prayer in WMP(MD) . 13663/ 2019 :

To grant an order of interim direction, directing the 4th respondent to receive the existing fee/rent from the traders/members of the petitioner's association, as fixed by the 3rd respondent for 33 items by issuing the receipts and permit them in the weekly market for doing their business pending disposal of the above WP and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.SURIYANARAYANAN, Advocate for the petitioner and Mrs.J.PADMAVATHIDEVI, Special Government Pleader for R1,R2 and Mr.M.RAJARAJAN, Government Advocate for R3, and No Appearance either in person or by an Advocate for R4, the court made the following

order:-

The petitioner submits that the fourth respondent, who is the successful bidder in the auction, collects more than the amount specified in the Gazette published by the Tamil Nadu State Government. Insofar as the head load is concerned, a sum of Rs.30/- can be collected for daily market. Whereas, it should be Rs.10/- for weekly market. The allegation is that the fourth respondent is collecting Rs.30/- for weekly market also.

2. The learned counsel appearing for the petitioner would submit that the collection of Rs.30/- for weekly market is borne out by records.

3. Despite service of notice, the fourth respondent has not appeared before this Court.

4. Considering the *prima facie* case, injunction is granted restraining the fourth respondent from collecting more than the amount notified by the Government, insofar as the petitioner's Association is concerned.

5. Post the matter on 27.09.2019 for counter of all the respondents.

sd/-
12/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT COLLECTOR, DINDIGUL DISTRICT.
2. THE ADDITIONAL DIRECTOR OF PANCHAYATS, DINDIGUL DISTRICT.
3. THE EXECUTIVE OFFICER,
SELECTION GRADE TOWN PANCHAYATS,
NILAKOTTAI, DINDIGUL DISTRICT.

- +1. C.C. to Mr. R. SURIYANARAYANAN Advocate SR.No.15305
+1. C.C. to Mr. R. KANNAN Advocate SR.No.15324

ORDER
IN
WP(MD) No.17141 of 2019
and
WMP(MD) No.13663 of 2019
Date : 12/09/2019

TK/SKN/SAR.2/18.09.2019/2P/6C

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