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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14749 of 2021

D.Ramu

.. Petitioner

Vs.

1. The District Collector,
Tiruvarur District.
2. The Block Development Officer (Village Panchayat),
Kudavasal Block,
Kudavasal,
Tiruvarur District.
3. The Executive Engineer,
Arulmigu Sheshapureeswarar Thirukoil,
Thiruppaampuram Village,
Kudavasal Taluk,
Tiruvarur District.
4. The President,
Thiruppaampuram Village Panchayath,
Thiruppaampuram Village,
Kudavasal Taluk,
Tiruvarur District.

.. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to public auction/tender notice issued by the fourth respondent for conducting public auction on 15.07.2021 in so far as vehicle parking license concerned and to quash the same and further forbear the fourth respondent from collecting any amount from the owners of the vehicle parked at Thiruppaampuram Village, Arulmigu Shesapureeswarar temple, Kudavasal Taluk, Tiruvarur District.



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For Petitioner : Mr.S.Kasirajan

For Respondents : Mr.S.J.Mohammed Sathik
Counsel for the State
for respondent Nos.1 and 2

Mr.AL.Kannan
for respondent No.3

Mr.R.Nareshkumar
for respondent No.4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The matter pertains to the parking of vehicles at a land in Thiruppampuram village, which is owned by Arulmigu Shesapureeswarar temple in Kudavasal Taluk, Tiruvarur District.

2. The grievance of the petitioner, at the time that the petition was received, was that despite the relevant land belonging to the temple, the fourth respondent as the president of the village panchayat was seeking to take steps for the village panchayat to collect parking charges for vehicles being parked on the temple property.

3. On behalf of the State, it is submitted that pursuant to the previous order of July 16, 2021, the fourth respondent can take no further steps in respect of the tender notice issued on July 15, 2021. The State further represents that the temple authorities themselves have issued a tender notice on July 11, 2021. The temple authorities are represented and confirm such position.

4. The fourth respondent is also represented. The fourth respondent accepts that since the land belongs to the temple, the fourth respondent may not have any authority to collect parking fees from vehicles parked on such land.

5. Accordingly, W.P.No.14749 of 2021 is disposed of by making the order dated July 16, 2021 absolute and quashing the tender notice issued by the fourth respondent on July 15, 2021. As far as the steps taken by the temple authorities are concerned, they will be subject to the applicable law and rules in such regard.



W.M.P.Nos.15645 and 15646 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CO)

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//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Tiruvarur District.
2. The Block Development Officer (Village Panchayat),
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Kudavasal,
Tiruvarur District.
3. The Executive Engineer,
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Tiruvarur District.
4. The President,
Thiruppampuram Village Panchayath,
Thiruppaampuram Village,
Kudavasal Taluk,
Tiruvarur District.

+1cc to Mr.C. Prabakaran, Advocate, S.R.No.35335
+1cc to the Government Pleader, S.R.No.35306

W.P.No.14749 of 2021

AKII(CO)
BE(29/07/2021)