

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HON'BLE MR.JUSTICE B. PUGALENDHI

WP No.28521 of 2019
and WMP.No.28250 of 2019

P.Senthilkumar

... Petitioner

Vs.

1. The Secretary to Government
Department of Municipal Administration and
Water Supply,
Secretariat, St.Fort,
Chennai - 600 009.
2. The Director of Town Panchayats
No.75, Santhome High Road,
Raja Annamalaipuram,
Santhome,
Chennai.
3. The Assistant Director of Town Panchayats,
Erode Zone,
Collector Office Building,
Erode.
4. The Special Officer/Executive Officer
Muthur Town Panchayat,
Muthur,
Tiruppur District.

..Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 14.08.2019 made in Na.Ka.No.193/2019/Pa3(Thi) of the 3rd respondent, quash the same and consequently direct the respondents 1 to 3 to conduct independent and impartial enquiry on petitioner's complaint dated 31.07.2019 as to the irregularities in office of the 4th respondent and take appropriate action.

For Petitioner : Mr. M.R.Vivekananthan

For Respondents : Mr.M.Elumalai

Addl.Govt.Pleader for R1 to R3

Mr.R.Govindasamy for R4

ORDER

This writ petition is filed as against the communication of the third respondent to the fourth respondent on the representation of the petitioner as against the collection of Toll charges in the weekly market of Muthu Town Panchayat.

2. This writ petitioner has made a representation and the same has been entertained by the third respondent and forwarded to the fourth respondent to ascertain the contents of the petition. The petitioner even without waiting for the outcome from the fourth respondent has approached this Court by way of this writ petition assailing the said communication. The grievance of the petitioner in his representation is that for the lease amount meant for the weekly market, the GST charges and the service tax have not been collected.

3. The Special Officer by his proceedings dated 29.12.2020 has already informed the Assistant Director of Town Panchayats, Erode that the lease for Collection of Toll charges for the period 01.04.2019 to 31.03.2022 has been allotted to one Govindasamy, S/o.Chinnasamy Goundar and he has also paid Rs.24,59,000/- as the lease amount and paid the service tax of Rs.4,42,620/-. The petitioner even without ascertaining the same under the Right to Information Act and even without waiting for the outcome of the representation, which has been forwarded by the third respondent to the fourth respondent, hurriedly filed this writ petition and it appears that there is a personal enmity as against the person who has taken the lease. This writ petition is filed without even ascertaining the fact whether the service tax has been duly paid or not. It is also reported that the GST has been collected belatedly and for the collection of GST charges belatedly, action has also been contemplated as against the fourth respondent.

4. Recording the above, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Secretary to Government
Department of Municipal Administration and
Water Supply,
Secretariat, St.Fort,
Chennai - 600 009.
2. The Director of Town Panchayats
No.75, Santhome High Road,
Raja Annamalaipuram,
Santhome,
Chennai.
3. The Assistant Director of Town Panchayats,
Erode Zone,
Collector Office Building,
Erode.
4. The Special Officer/Executive Officer
Muthur Town Panchayat,
Muthur,
Tiruppur District.

+1 cc to M/s.M.R.Vivekananthan, Advocate Sr.No. 6716

+1 cc to The Government Pleader Sr.No. 6289

WP No.28521 of 2019
and WMP.No.28250 of 2019

VSNI (CO)
RMP (01/03/2021)

सत्यमेव जयते

WEB COPY