



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.6510 of 2021

and

W.M.P. [MD] No.5072 of 2021

M.Barkudeen Ali Ahamed

...Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Municipality Commissioner,
Municipality Office,
Kodaikanal,
Dindigul District-624 101.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a writ of Certiorari, calling for the entire records pertaining to impugned order in proceeding V.A.No.60/2021/S.M.T.A/Dindigul/ dated 06.02.2021 passed by the second respondent.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.R.Baskaran

Standing Counsel for Government
for R1

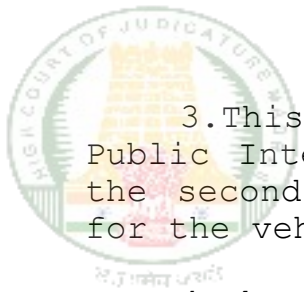
Mr.L.P.Maurya for R2

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.P.M.Vishnuvarthanan, learned Counsel appearing for the petitioner, Mr.R.Baskaran, learned Standing Counsel for Government appearing for the first respondent and Mr.L.P.Maurya, learned Counsel appearing for the second respondent.



3.This writ petition has been filed by an individual styled as Public Interest Litigation, challenging the notification issued by the second respondent municipality, deciding to collect entry fee for the vehicles entering into the area in question.

4.The petitioner who runs an ice-cream shop in the area states that the levy is unauthorised and illegal and the area where the shops are situated is a private property and such levy cannot be sustained. It appears that there were other objections received from the public and the municipality has by resolution dated 06.02.2021, rolled back its earlier decision and directed to collect a fee of Rs.5/- per person, exempting children who are less than ten years of age.

5.In our considered view, we cannot enter into the realm of municipal administration to examine as to whether the municipality can collect a fee for regulating the crowd in the area, especially, since the area is in a hill station. The objections given by the public appears to have been taken note of and a resolution is passed. Therefore, we are not inclined to grant any relief in this Writ Petition.

6.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Municipality Commissioner,
Municipality Office,
Kodaikanal,
Dindigul District-624 101.



W.P.(MD).No.6510 of 2021

+1 CC to M/s.L.P.MAURYA, Advocate (SR-22236[F] dated 13/07/2021)

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09.07.2021

TP (CO)

LR (16.07.2021) 3P 4C

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