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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.18478 of 2013 &
WMP.No.1 & 2 of 2013

1. Arulmigu Sesa Puriswarar Temple,
rep. By its Fit Person K.Asaithambi
Thirupampuram, Kudavasal Taluk
Tiruvarur District.

2. The Executive officer
Thirupampuram
Kudavasal Taluk
Tiruvaruar District.

...Petitioners

Vs.

1. The District Collector
Tiruvarur.

2. The Block Development Officer
Kudavasal
Tiruvarur District.

3. The Village Panchyat
Rep.by its President
M.Ranganathan
Thirupampuram
Kudavasal Taluk
Tiruvarur District.

4. V.Palaniappan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Declaration, declaring that the resolutions passed on 29.11.2012 by 3rd respondent which is communicated through letter dated 04.05.2013 is illegal, null and void and consequentially collection of entering fee to the vehicles coming to the temple by fixing the rate for Bus Rs.30/-, for Van Rs.20/- for Car Rs.10/- and for Auto Rickshaw Rs.5/- is void and direct the 4th respondent to refund the amount collected from 15.06.2013 to the petitioner.



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For Petitioner : Mr.S.A.R.Nixon
For Respondents : Mr.S.Sounthar for R3
Mr.T.N.C Kaushik
Additional Government Pleader for R1
Mr.S.V.Durai Solaimala for R2

O R D E R

Mr.TNC Kaushik, learned Additional Government Pleader who appears for R1 circulates a copy of communication in ந.க.எண் 087/2021/ஆ2 dated 13.07.2021, to the effect that the matter is rendered infructuous since. One, Mr.D.Rauu had approached this Court in W.P.No.14749 of 2021 challenging public auction /tender notice issued by the Thiruppampuram Village Panchayat, for collection of parking fee from the owners of the vehicles parked in the premises belonging to Arulimigu Sesha Pureeswarar Temple, Kudavasal Taluk, Tiruvarur District.('Temple')

2. The first Bench of this Court has quashed the aforesaid tender, recording the submissions of R4 in that writ petition/ (R3 before me) to the effect that since the land belongs to the temple, Panchayat had no authority to collect parking fee. The resolution of the temple authorities dated 29.11.2012 communicated through letter dated 04.05.2013, is thus rendered bad in law in light of the order of the First Bench dated 23.07.2021.

3. As regards the second limb of the petitioner's prayer, seeking refund of the toll fee collected, let the amount so collected be quantified by R3 and paid over to the temple within a period of four weeks from today.

4. Learned counsel for R3 raises a doubt as to the identity of the lands as covered by the order of the First Bench dated 23.07.2021, and the lands in question, in the present writ petition. There is no clarity on this issue since there is no counter filed by any of the respondents. Neither does the affidavit filed in support of this writ petition contain the survey numbers or other particulars to enable identification of the lands. Thus, R3 shall look into this aspect of the matter and confirm that the identity of the lands covered under order dated 23.07.2021 and the present writ petition are one and the same, prior to effecting refund of the parking fee if at all shall be carried out by R3 within a period three weeks from the date of receipt of the representation, if any, by the temple.



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5. This writ petition is disposed as above. Consequently, connected miscellaneous petitions are closed. No Costs.

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

nst/ska

To

1. The District Collector
Tiruvarur.
2. The Block Development Officer
Kudavasal
Tiruvarur District.
3. M.Ranganathan
The Village Panchyat President
Thirupampuram
Kudavasal Taluk
Tiruvarur District.

+1 CC to The Government Pleader sr 17007
+1 CC to Mr.A.R. Nixon, Advocate sr 16538
+1 CC to Mr.S.Sounthar, Advocate sr 16159.

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NK(CO)
SP(07/04/2022)