



W.P. No.4113 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.4113 of 2014

and

M.P.No.2 of 2014

Muthu Vinayagar @ Mottai Vinayagar Temple,
Rep by its Executive Officer,
Avalurpettai,
Gingee Taluk,
Villupuram District.

... Petitioner

Vs

1.The District Collector,
Villupuram District,
Villupuram.

2.The Assistant Director of Panchayats,
Villupuram.

3.The Block Development Officer,
Melmalaiyanur Panchayat Union,
Villupuram District.

4.The Executive Officer/Panchayat President,
Avalurpettai,
Gingee Taluk, Villupuram District.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the 4th respondent and published on 06.02.2014 in “Thina Thanthi” Daily (Cuddalore Edition) (having reference to the proceedings of the District Collector in Na.Ka.No.A6/3790/2012 dated 20.01.2014) and quash the same; consequently direct the 1st respondent to recall the permission, if any granted to the 4th respondent to conduct weekly shandy in Avalurpettai Village in Villupuram District and thereby allow the petitioner Temple to conduct the said Weekly Shandy without any interference or disturbance in any manner by the 4th respondent.

For Petitioner : Mr.N.Sathyamoorthi

For Respondents : No Appearance

ORDER

There is no representation on behalf of the respondents.

2.The petitioner has challenged the impugned auction notice dated 06.02.2014. As per the aforesaid notice, the auction was to be held on 14.02.2014. The writ petition appears to have filed on 11.02.2014 and notice was ordered on 12.02.2014. On 18.06.2014, this Court has also admitted the writ petition and called upon the respondents to produce the records in eight weeks.



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However, records have not been produced.

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3.In the counter affidavit filed by the 3rd respondent, it is stated that the petitioner has also approached the Civil Court in O.S.No.208 of 2007 before the Principal District Munsif Court, Gingee and prayed for permanent injunction to restrain the 4th respondent from conducting any shandy in the same village and the same is pending.

4.In the counter, it is further stated that on 17.05.2007, a Village Council Meeting was held and the council unanimously passed a resolution to seek permission from the concerned authorities to start a weekly shandy in S.No.182 of Avalurpet Village which was classified as Kulam Proampoke for the reasons stated therein. It is further submitted that W.P.No.3630 of 2017 was filed to cancel the permission granted to the Village Panchayat for conduct of weekly shandy vide Na.Ka.No.A6/3790/2012 dated 20.02.2014 and after hearing the arguments on both side, this Court by an order dated 05.06.2017 has dismissed the writ petition and has directed the District Collector to pass a final order as per the rules framed within time. It is further submitted that pursuant to the directions in W.P.No.3630 of 2017 an enquiry was conducted on 12.07.2017 in



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presence of the 3rd and 4th respondents and the petitioner and petitioner's representation was considered and disposed vide final order dated 29.08.2017.

Thus, nothing further survives for adjudication as final order has been passed.

5.In view of the above, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Internet: Yes/No
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To

- 1.The District Collector,
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Villupuram.
- 2.The Assistant Director of Panchayats,
Villupuram.
- 3.The Block Development Officer,
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Villupuram District.
- 4.The Executive Officer/Panchayat President,
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C. SARAVANAN, J.

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