



W.P.(MD)No.26094 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26094 of 2022

and

W.M.P.(MD)Nos.20226, 20228 and 20229 of 2022

C.Rengaraj

.. Petitioner

Versus

1.S.Kannanoor Special Grade Town Panchayat,
Through its Executive Officer,
S.Kannanoor, Trichy District – 621 112.

2.Chandrakumar,
Executive Officer,
S.Kannanoor Special Grade Town Panchayat,
S.Kannanoor, Trichy District – 621 112.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned proceedings of the first respondent in Na.Ka.No.A1/57/2021, dated 01.11.2022 and 07.11.2022 and quash the same.

For Petitioner	:	Mr.VR.Shanmuganathan
For 1 st Respondent	:	Mr.N.Ramesh Arumugam Government Advocate
For 2 nd Respondent	:	Mr.D.Gandhiraj Special Government Pleader



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ORDER

WEB COPY The petitioner has approached this Court seeking to quash the impugned proceedings of the first respondent in Na.Ka.No.A1/57/2021, dated 01.11.2022 and 07.11.2022.

2. Heard Mr.VR.Shanmuganathan, learned counsel for the petitioner; Mr.N.Ramesh Arumugam, learned Government Advocate, who takes notice for the first respondent; and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the second respondent. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the petitioner was the successful bidder in the public auction held for various rights, including the one for collection of entry fee from the vehicles entering into the respondent Panchayat limits for the period from 01.07.2022 to 31.03.2023. While so, based on certain complaints alleged to have been raised by some rival participants in the said auction, a notice dated 18.10.2022, was issued by the respondent Panchayat, stating that the petitioner has been collecting Rs.120/- and Rs.150/- instead of Rs.100 for tourist van.



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4. According to the learned counsel for the petitioner, no such complaint was annexed along with the said notice and no explanation was called for from the petitioner in the said notice. However, on 01.11.2022 the respondent Panchayat has issued a final notice alleging that the petitioner has not chosen to give any reply to the notice, dated 18.10.2022, and therefore, imposed a fine of Rs.1000/- on the petitioner. Immediately, on 07.11.2022, the petitioner had replied to the notice dated 18.10.2022, stating that no complaint was annexed to the said notice and he has not collected any amount beyond the amount fixed by the respondent Panchayat and he has also displayed the rates at the places of collection.

5. The petitioner has further stated that there were complaints regarding the parking fee collection at Samayapuram Mariamman Temple and not regarding collection of entry fee by the petitioner and all the receipts are duly stamped with the seal of Panchayat and before imposing penalty, no notice was given to him or no enquiry was conducted and the photographs sent to his Whatsapp do not have the specific date and the same do not relate to the petitioner's tenure and the same are concocted. While so, on 07.11.2022, the respondent Panchayat served a proceedings to the petitioner, directing him to pay the excess amount of Rs.1,42,750/-, collected by him, to the respondent Panchayat, failing which, his licence would be cancelled. Challenging the



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same, the petitioner has filed the present Writ Petition for the relief stated ^{supra}.

6. The learned counsel appearing for the petitioner submitted that the respondent Panchayat has not considered the explanation submitted by the petitioner and without giving an opportunity of hearing to him, the respondent has passed the impugned order.

7. A perusal of the notice dated dated 18.10.2022, shows that the petitioner was not called for to offer his explanation as regards the collection of Rs.120/- and Rs.150/- instead of Rs.100 /-for tourist van. However, the respondent Panchayat has issued a final notice, dated 01.11.2022, alleging that the petitioner has not chosen to give reply to the notice, dated 18.10.2022, and imposed a fine of Rs.1000/- on the petitioner and without conducting any enquiry, on 07.11.2022, the respondent Panchayat directed the petitioner to pay the excess amount of Rs.1,42,750/-, collected by him.

8. In view of the above, this Court is inclined to quash the impugned proceedings of the first respondent, dated 01.11.2022 and 07.11.2022. Accordingly, this Writ Petition is allowed and the proceedings of the first respondent, dated 01.11.2022 and 07.11.2022, are quashed. The first



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respondent is directed to fix a date for hearing the explanations of the petitioner and issue notice to the petitioner well in advance and after hearing the explanations of the petitioner, pass appropriate orders on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/No
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18.11.2022

To

The Executive Officer,
S.Kannanoor Special Grade Town Panchayat,
S.Kannanoor, Trichy District – 621 112.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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18.11.2022