



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18901 of 2023

1.K.Ravi

2.Senthilkumar

3.Rajendran

4.Vaithilingam

Petitioners

vs.

1.The Commissioner of Municipal Administration,
MRC Nagar,
Chennai – 600 028.

2.The Collector,
Salem District,
Salem.

3.The Regional Director,
Municipal Administration,
Salem – 636 009.

4.The Commissioner,
Tharamangalam Municipality,
Tharamangalam,
Salem District.

5.R.Ilanji

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the representations dated 05.05.2023, 26.05.2023, 27.05.2023 and 30.05.2023 made by the petitioners and take action to cancel the license granted to the 5th respondent for collecting excess toll charges unlawfully in the 4th respondent's Municipality Daily Vegetable Market.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.A.M.Ayyathurai
Government Advocate

ORDER

This writ petition has been filed by an agriculturists who are selling agriculture produce in the Tharamangalam Municipality Daily Vegetable Market, seeking for a direction to the official respondents to take action on the representations made by the petitioners and to cancel the license granted in favour of the 5th respondent for collecting excess toll charges than the one that was fixed by the 4th respondent.

2.Heard Mr.V.Elangovan, learned counsel appearing on behalf of the petitioner and Mr.A.M.Ayyathurai, learned Government Advocate appearing on behalf of the respondents 1 to 4.



3.The grievance of the petitioners is that the 5th respondent who has been given license by the 4th respondent to collect toll, his collecting excess toll than what was fixed by the 4th respondent and not even issuing the receipts for the same. To demonstrate this fact, it has been pleaded in the affidavit as follows:

S.No	Charges Fixed by 4 th Respondent			Excess amount collected by the 5 th Respondent
1	Big Stall	:	Rs.35/-	Rs.150/-
2	Small Stall	:	Rs.15/-	Rs.50/-
3	Bag	:	Rs.5/-	Rs.10/- to Rs.15/-
4	Coconut Stall	:	Rs.30/-	Rs.150/-
5	Fruit Stall	:	Rs.15/-	Rs.150/-
6	Basket	:	Rs.5/-	Rs.10/-

4.The petitioners have brought this to the notice of the official respondents and at one point of time, the 4th respondent through communication dated 07.06.2023 even warned the 5th respondent from collecting excess toll. This enraged the 5th respondent who threatened the petitioners and abused them in filthy language. The same resulted in lodging a police complaint before the Tharamangalam Police Station and an enquiry is pending before the concerned police station in Petition No.381 of 2023. In view of this attitude of the 5th respondent, the petitioners have given repeated representations to the 4th respondent to cancel the license issued in favour of the 5th respondent for



present writ petition has been filed before this Court.

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5. In the considered view of this Court, the petitioners have knocked the doors of this Court with a genuine claim. The conditions of license particularly in Clauses 22 and 23, specifically stipulates that the toll fixed by the 4th respondent must be collected and receipts must be issued for collection of toll. If these conditions are not satisfied, the official respondents cannot turn a blind eye and they have to necessarily take action. The earlier complaint that was given by the petitioners was also acted upon and the 5th respondent was warned by the 4th respondent through communication dated 07.06.2023 in this regard. The 5th respondent instead of mending his ways, seems to have threatened the petitioners which resulted in a police complaint. This attitude cannot be condoned, since the toll is being collected from agriculturists who are selling their produce in the market.

6. In the light of the above discussion, there shall be a direction to the 4th respondent to act upon the representations made by the petitioners and conduct an enquiry after giving an opportunity to the 5th respondent. If the 5th respondent is found to collect excess toll charges in violation of the terms and conditions of the license, the 4th respondent shall proceed further in accordance with law. This



process shall be completed by the 4th respondent, within a period of four weeks from the date of receipt of copy of this order.

7.The petitioners are directed to make a fresh representation to the 4th respondent along with a copy of the earlier representations and also a copy of this order.

8.This writ petition is disposed of in the above terms. No Costs.

26.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

1.The Commissioner of Municipal Administration,
MRC Nagar,
Chennai – 600 028.

2.The Collector,
Salem District,
Salem.



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N. ANAND VENKATESH, J.

SSR

3. The Regional Director,
Municipal Administration,
Salem – 636 009.
4. The Commissioner,
Tharamangalam Municipality,
Tharamangalam,
Salem District.

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(2/2)**