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W.P.(MD)NO.14101 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14101 of 2015 AND

M.P.(MD)Nos.1 & 2 of 2015

N.Vijayakumar

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District.

2. The Assistant Director of Panchayath,
Collectorate,
Tirunelveli District.

3. The Executive Officer,
Thisayanvilai Special Grade Town Panchayat,
Thisayanvilai,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceeding in Na.Ka.No.88/2015 dated 12.06.2015 on the file of the Executive Officer, Special Grade Town Panchayat, Thisayanvilai the 3rd respondent and quash the same and consequently direct the 3rd respondent to consider the petitioner's representation dated 06.07.2015.



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W.P.(MD)NO.14101 OF 2015

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner was given license to collect parking charges and entry fee for the bus stand belonging to the third respondent in the year 2008-09. The petitioner's license was extended subsequently for two more years.

3. The question that arises for consideration is whether on account of demolition of the bus stand, the petitioner is entitled to proportionate remission. The petitioner had earlier filed W.P.(MD)No.8860 of 2012 and this Court vide order dated 28.03.2013 had disposed of the writ petition as follows:-

“ 4. The second respondent is directed to consider and dispose of the representation of the petitioner dated 21.03.2012 on merits and as per



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law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that I have not considered the merits of the matter and it is for the second respondent to decide the issue purely on merits.”

4. Pursuant to the said diection, the impugned order came to be passed calling upon the petitioner to pay a further sum of Rs.6,23,664/-. The said order dated 12.06.2015 is put to challenge in this writ petition.

5. After hearing the learned counsel on either side, I am satisfied that the petitioner has to work out his rights in the pending appeal suit. It is seen that the petitioner had already filed O.S.No.148 of 2012 on the file of the District Munsif, Valliyur seeking the relief of remission. The said suit came to be dismissed. Aggrieved by the same, the petitioner has filed A.S.No.100 of 2014 before the Sub Court, Valliyur.

6. The petitioner has to necessarily work out his rights



only before the appellate Court. The learned counsel appearing for the petitioner is not able to contact the petitioner and he was not sure, whether the appeal is disposed of or not. The impugned communication dated 12.06.2015 will abide by the outcome of the civil proceedings initiated by the petitioner before the concerned Court. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Tirunelveli District.
2. The Assistant Director of Panchayath,
Collectorate,
Tirunelveli District.
3. The Executive Officer,
Thisayanvilai Special Grade Town Panchayat,
Thisayanvilai,
Tirunelveli District.



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G.R.SWAMINATHAN,J.

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