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W.P.No.24450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.24450 of 2024
and W.M.P.Nos.26747 and 26748 of 2024

N.D.SATHISH

.. Petitioner

Vs

- 1.THE DIRECTOR
RURAL DEVELOPMENT AND PANCHAYAT DEPARTMENT,
PANAGAL BUILDING, SAIDAPET,
CHENNAI- 600 015.
- 2.THE DISTRICT COLLECTOR
O/O.THE DISTRICT COLLECTORATE,
THIRUVALLUR DISTRICT,
THIRUVALLUR, PIN.602 003.
- 3.THE ASST. DIRECTOR OF PANCHAYAT
RURAL DEVELOPMENT AND PANCHAYAT DEPARTMENT,
THIRUVALLUR, PIN.602 003.
THIRUVALLUR DISTRICT.
- 4.THE BLOCK DEVELOPMENT OFFICER
KADAMBATHUR UNION COUNCIL,
KADAMBATHUR, PIN.631 203
THIRUVALLUR DISTRICT.



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5. THE VILLAGE PANCHAYAT PRESIDENT
PERAMBAKKAM VILLAGE PANCHAYAT,
PERAMBAKKAM,
THIRUVALLUR TALUK AND DISTRICT.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the impugned Auction notification bearing “NA.KA.No.5/2024/ Panchayat” dated 13.08.2024, issued by Perambakkam Village Panchayat, the 5th respondent herein to collect fee for weekly vegetable market and parking for the period 2024-2025 which will be held on 22.08.2024 and quash the same and to direct the respondents not to auction the right of collecting fee for weekly vegetable market and parking without fulfilling the mandatory provisions specified in the T.N.Panchayat Act and Rules.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.K.Karthik Jeganath
Government Advocate
for respondent Nos.1 to 4

: Mr.A.P.Surya Prakasam
for respondent No.5



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ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Counsel appearing for respondent No.5, i.e., Village Panchayat President, tendered an affidavit dated 26.9.2024, copy whereof has been served on petitioner as well as other respondents.

2. Shri Prabakar tenders a copy of instructions dated 27.11.2024 received by him from the Assistant Director (Panchayats), in which it is stated that the market will be held only on Friday and vehicles will also be permitted, from which parking fees will be charged, only on Friday in the market area.

3. Shri Appaswamee appearing for petitioner states he is satisfied in view of this statement made in the communication dated 27.11.2024. Copy of the letter is taken on record and marked 'X' for identification. Statement made therein is accepted as statement to the court and also undertaking to the court.



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4. Statement of counsel for respondent No.5 that the conditions imposed at the time of auction will be strictly adhered to is also accepted. In view of the above, the bids received by fifth respondent may be confirmed.

Petition is disposed of accordingly. There shall be no order as to costs. Consequently, interim application stands closed.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

28.11.2024

Index : Yes/No

NC : Yes/No

sasi



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THE HON'BLE CHIEF JUSTICE
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