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W.P. No. 33245 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33245 of 2023

Revathy Swaminathan

... Petitioner

-VS-

1. The Block Development Officer,
Thirukazhukundram Union Panchayat,
Thirukazhukundram.

2. G.Ashok Kumar

3. The District Collector,
Chengalpattu District,
Chengalpattu.
(R3 is impleaded vide order dated
07.03.2024 in W.M.P. No. 4855 of 2024)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the First Respondent to send their person and conduct the auction in accordance with law.

For Petitioner : Mr. D.S.Ramesh

For Respondents : Mr. V.Nanmaran (for R1)

Mr. N.S.Suganthan
for Mr. N.Bhuvaneswaran (for R2)

Mr. P.Ganesan
Additional Government Pleader (for R3)



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ORDER

Heard Mr. D.S.Ramesh, Learned Counsel for the Petitioner, Mr. V.Nanmaran, Learned Counsel appearing for the First Respondent, Mr. N.S.Suganthan, Learned Counsel for Mr. N.Bhuvaneswaran, Learned Counsel appearing for the Second Respondent and Mr. P.Ganesan, Learned Additional Government Pleader appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First Respondent to conduct auction for the parking lot in Survey No. 228/2A1B, Meyyur Village, Chengalpattu District.

3. In response, the Third Respondent has filed Status Report dated 12.03.2024 stating as follows:-

" It is submitted that, in Sadurangapattinam Village Panchayat to form parking place in Government land survey No. 228/2A1B at Meyyur Village, a resolution was passed with majority on 28.10.2021 (Resolution No. 23), the



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resolution was accepted by the 2nd respondent. And also regarding the same another resolution was brought on 27.07.2022 (Resolution No. 53), the resolution was passed with majority.

As per the resolution passed in Village Panchayat, the District Collector given consent to form parking place by following the rules laid down in Sec 111 (e) and Sec 154 (a) of Tamil Nadu Panchayat Act, 1994 in accordance with the law.

Based on the consent from District Collector, general auction date was fixed on 04.10.2023, Since there was no bidders, the auction was postponed to 16.10.2023.

In the auction on 16.10.2023, the representative from the 1st respondent office were not present in the auction place and also there were no bidders to auction the parking place. And 1st respondent informed the petitioner, that the 2nd respondent has filed a civil suit in O.S. No. 58 of 2023 in District Munsif Court at Thirukazhukundram, challenging the notice of the public auction issued by the village panchayat.



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The petitioner submits that there was no stay order in the civil suit in O.S. No. 58 of 2023 to proceed with the auction.

Hence the 1st respondent is ordered to verify the civil suit of O.S. No. 58 of 2023 whether stay given or not for forming parking place. If stay order were not given, the petitioner may be allowed to proceed with the auction of parking place with the presence of the officials from 1st respondent's office."

In view of the same, nothing remains for further consideration in the Writ Petition, but it shall be incumbent upon the concerned authorities to scrupulously follow the prescribed procedure in accordance with law while conducting any auction for the parking lot. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.

In the result, the Writ Petition is disposed with the aforesaid observations. No costs.



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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.
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To

1. The Block Development Officer,
Thirukazhukundram Union Panchayat,
Thirukazhukundram.
2. The District Collector,
Chengalpattu District,
Chengalpattu.



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P.D. AUDIKESAVALU, J.

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