



W.P.(MD)No.6915 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6915 of 2025

P.Siva Perumal

: Petitioner

Vs.

1. The District Collector,
Collectors Office, Nagercoil,
Kanyakumari District.

2. The Kanyakumari Special Grade Town Panchayat,
Represented by its Executive Officer,
Kanyakumari District 629 702.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to refund a proportionate amount to the petitioner for the restrained period of 13 days from 20.12.2024 to 01.01.2025 out of the total 66 days from 16.11.2024 to 20.01.2025 during the Tourist Season, in respect of the license sanctioned to the petitioner to collect the user / parking fee from vehicles at the newly cleared Bio Mining Site of Kanyakumari Special Grade Town Panchayat in the light of the petitioners representation dated 17.02.2025.

For Petitioner : Mr. N.Dilipkumar



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W.P.(MD)No.6915 of 2025

For Respondents : Mr.C.Venkatesh Kumar

Spl.Govt.Pleader for R1 and R2

Ms.P.B.Ahamed Yashmin Parvin for R2

ORDER

This writ petition has been filed seeking a mandamus, directing the respondents to refund a proportionate amount to the petitioner for the restrained period of 13 days, from 20.12.2024 to 01.01.2025, out of the total 66 days, from 16.11.2024 to 20.01.2025, during the Tourist Season, in respect of the license sanctioned to him to collect the user/parking fee from vehicles at the newly cleared Bio Mining Site of Kanyakumari Special Grade Town Panchayat, in the light of the his representation dated 17.02.2025.

2.The petitioner claims that he was the successful bidder in the auction held on 15.11.2024 for a license to collect parking fees from four-wheelers at the predetermined rate fixed by the second respondent Town Panchayat. The said license was issued for a short period of 66 days. The petitioner's grievance is that during the peak of the tourist season, i.e., from 20.12.2024 to 01.01.2025, the second respondent issued a notification on 20.12.2024, instructing that parking fees should



W.P.(MD)No.6915 of 2025

not be collected, resulting in a significant monetary loss to the petitioner.

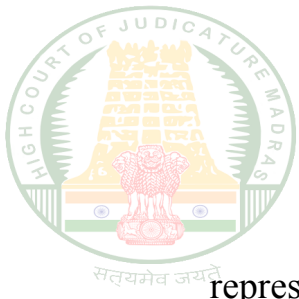
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In this regard, the petitioner submitted a representation to the respondents, requesting a refund of the proportionate amount for the restrained period. However, as no action has been taken on the representation, the petitioner has now filed the present writ petition.

3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent, to consider the petitioner's



W.P.(MD)No.6915 of 2025

WEB COPY

representation dated 17.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

14.03.2025

Index : Yes / No

Internet : Yes / No

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W.P.(MD)No.6915 of 2025

WEB COPY

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W.P.(MD)No.6915 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.6915 of 2025

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