

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.03.2015
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6040 of 2015
And
M.P.Nos.1 and 2 of 2015

V.Balagopal

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Municipal Administration & Water
Supply Department,
Fort.St.George
Chennai 600 009.

2.The Executive Officer
Kinathukadavu Town Panchayat
Kinathukadavu
Pollachi Taluk
Coimbatore District.

3.The Chairman
Kinathukadavu Town Panchayat Council
Kinathukadavu Town Panchayat
Kinathukadavu, Pollachi Taluk
Coimbatore District.

.... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of relating to serial no.1 and 2 of tender notification having Ref.No.Ve.Aa.No.111/2015/Se.Ma.Tho.Aa/Covai/dated 23.02.2015 issued by the 2nd respondent, published in Daily Thanthi (Coimbatore Edition) dated 24.02.2015 and quash the same and consequently direct the respondents to extend the license.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.M.Dig Vijay Pandian
Additional Government Pleader

O R D E R

Heard Mr.N.Ponraj, learned counsel appearing for the petitioner and Mr.M.Dig Vijay Pandian, learned Additional Government Pleader accepting notice for the respondents and appearing for the respondents. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has challenged tender notification dated 24.02.2015. In the said notification, the third respondent has proposed to bring for auction the various lease-hold and licence rights to be granted for the period from 2014-15.

3.The petitioner is a licensee to collect fees from the daily market and his licence has been granted from 01.04.2012 to 31.03.2015. The petitioner now seeks for extension of licence by applying G.O.Ms.No.92 dated 03.07.2007. In this regard, the petitioner has given representation on 19.02.2015 and till date, the same has not been considered and the right to collect fees is sought to be brought for auction tomorrow.

4.In the light of G.O.Ms.No.92 dated 03.07.2007, the third respondent is directed to consider the petitioner's representation prior to calling for the auction and if the petitioner is willing to offer the enhanced amount as per the Government Order, then the respondent shall consider the petitioner's request. However, if there is gross discrepancy in the auction proceedings and if there are higher offerers, then first preference shall be given to the petitioner to match such offer and in the event of such offer, the petitioner's representation may be considered for grant of licence for further period of three years.

5.This writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते

-s/d-

Assistant Registrar(J)

dated:05/03/2015

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government
Municipal Administration & Water
Supply Department,
Fort.St.George
Chennai 600 009.

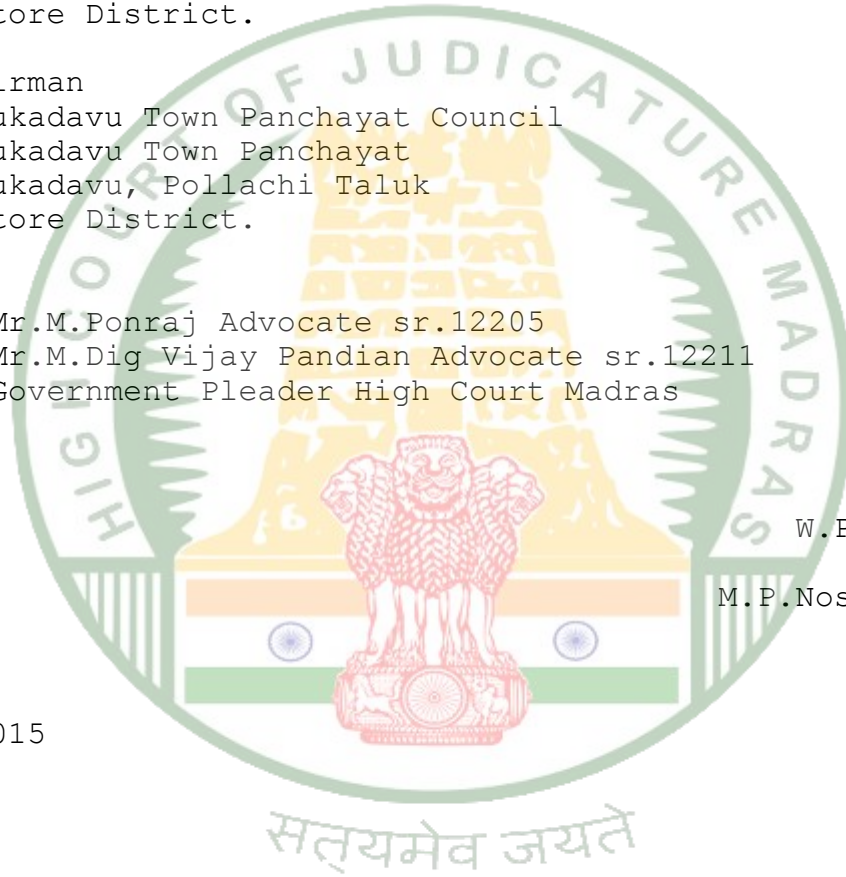
2.The Executive Officer
Kinathukadavu Town Panchayat
Kinathukadavu
Pollachi Taluk
Coimbatore District.

3.The Chairman
Kinathukadavu Town Panchayat Council
Kinathukadavu Town Panchayat
Kinathukadavu, Pollachi Taluk
Coimbatore District.

+1 cc to Mr.M.Ponraj Advocate sr.12205
+1 cc to Mr.M.Dig Vijay Pandian Advocate sr.12211
+1 cc to Government Pleader High Court Madras
sr 12346

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