

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 29-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.11599 & 11600 OF 2016

P.Soundararajan

... Petitioner in both W.Ps.

-vs-

1.The Commissioner,
Corporation of Salem,
Salem.

2.The Assistant Commissioner (I/C),
Ward Office, Suramangalam,
Corporation of Salem,
Salem-5.

... Respondents in both W.Ps.

W.P.No.11599 of 2016 has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the second respondent in his proceedings in Na.Ka.No.K1/6097/2015 and quash the order dated 22.03.2016 with regard to the sentence "to deposit entire amount within 7 days from the date of receipt of this notice" and direct the petitioner to remit the entire amount in four instalments in respect of lease of the petitioner for the year 2016-2017, for Achuvan Eri New Bus Stand, Salem.

W.P.No.11600 of 2016 has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the second respondent in his proceedings in Na.Ka.No.K1/6097/2015 and quash the order dated 22.03.2016 with regard to the sentence "within 7 days from the date of receipt of this notice" and direct the petitioner to remit the entire amount in four instalments in respect of lease of the petitioner for the year 2016-2017, for Cycle Stand in Achuvan Eri New Bus Stand, Salem.

For petitioner : Mr.M.Balasubramaniam,
for Mr.J.Franklin.

For respondents : Mrs.Bhuvaneswari

O R D E R

Petitioner had been granted licence by the respondent Corporation for collection of charges at the new Bus Stand, Salem, and in respect of the Cycle Stand at the new Bus Stand, Salem.

which were offered by the petitioner and accepted by the respondents in respect of both the tenders, are Rs.88,54,275/- and Rs.35,29,284/- respectively. Petitioner is ready and willing to abide by all the conditions imposed by the respondent Corporation in its proceedings, dated 22.03.2016. The only indulgence the petitioner seeks is, with regard to the demand of the entire amount, to be paid within seven days. In this regard, there cannot be any vested right with the petitioner to state that he is to be granted permission to remit the amounts in instalments nor do the tender conditions say so. However, the past conduct of the respondents shows that they have collected the earlier licence amount in four instalments. Therefore, it was suggested to the respondent Corporation as to whether they would be inclined to consider the petitioner's request for the current licence period also.

3. The learned Standing Counsel, on instructions from the respondent Corporation, submitted that the petitioner has to comply with all other conditions, including the condition of deposit, which he has to make, and so far as the grant of instalments is concerned, there is no serious objection by the respondent Corporation.

4. Thus, considering the stand taken by the respondent Corporation and also taking note of the fact that during the previous year, the petitioner was granted with such instalments, without being cited as a precedent, the respondent Corporation is directed to accept the bid amount in four equal monthly instalments, and the first of such instalments shall be paid on or before 05th of April, 2016, and the remaining three instalments on or before 05.05.2016, 05.06.2016 and 05.07.2016 respectively. It is made clear that this arrangement is only in respect of the licence amount, and all other charges, such as deposit etc., shall be paid by the petitioner upfront. If the petitioner defaults in paying any one of the instalments within the time stipulated as above, the concession, which has been granted by the respondents, and recorded by this Court, will stand withdrawn and the respondent Corporation will be entitled to proceed further, for recovery of the entire amount.

5. Writ Petitions are disposed of accordingly. No costs. Consequently, the connected W.M.P.Nos.9998 and 9999 of 2016 are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

dixit

To

1.The Commissioner,
Corporation of Salem,
Salem.

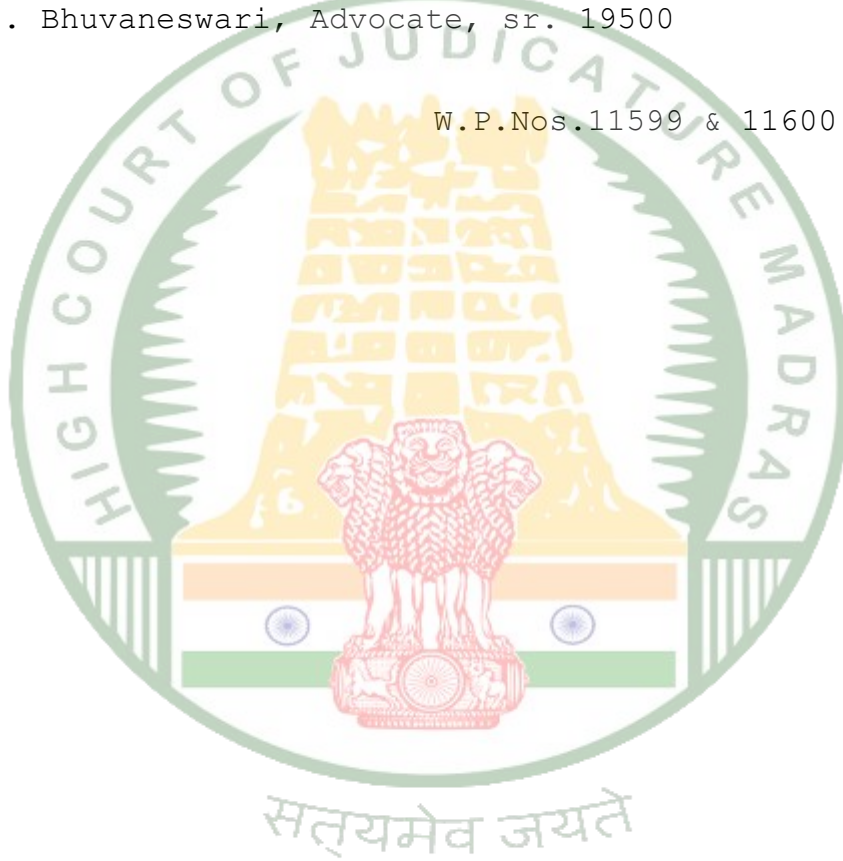
2.The Assistant Commissioner (I/C),
Ward Office, Suramangalam,
Corporation of Salem,
Salem-5.

1 cc to Mr.J. Franklin, Advocate, Sr. 19573

2 ccs to M/s. Bhuvaneswari, Advocate, sr. 19500

W.P.Nos.11599 & 11600 OF 2016

VGI (CO)
kk 30/3



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