

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.187 of 2016 & C.M.P. No.2652 of 2016

Kaliappan @ S.B. Suresh Appellant/2nd respondent

Vs.

- 1 The Coimbatore City Municipal Corporation
represented by its Commissioner
Victoria Town Hall
Coimbatore 641 001 ..1st Respondent/1st Respondent
- 2 M. Selvam ..2nd Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order of this court dated 11.02.2016 passed in W.P. No.10554 of 2015.

W.P.10554 of 2015: Writ petition filed under Article 226 of the constitution of India praying to issue a writ of certiorarified Mandamus calling for the records pertaining to Tender called for Collection of Fees for the period of 2015 to 2018 as notified through the News Daily dated 10.3.2015 and the subsequent confirmation of Tender to an undisclosed person for a sum of Rs.51,03,000/- and quash the same and subsequently direct the respondent to re-tender the Collection of Fees for the period of 2015-2018;

For appellant Mr. S. Parthasarathy, Sr. Counsel
for M/s. Pass Associates

For R1 Mr. D. Krishnakumar

For R2 Mr. S.S. Rajesh

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. D. Krishnakumar, learned counsel, accepts notice for the first respondent. Mr. S.S. Rajesh, learned counsel, accepts notice for the second respondent. With consent, the writ appeal is taken up for final disposal, at the admission stage itself.

2 This writ appeal is directed against the interim order dated 11 February 2016 rendered in W.P. No.10554 of 2015.

3 To avoid prolixity, the parties are referred to as per their array in the writ appeal.

4 The second respondent filed the instant writ petition challenging the tender called for, for collection of fees for the period from 2015 to 2018 as notified through News Daily dated 10 March 2015 and the subsequent confirmation of tender to an undisclosed person for a sum of Rs.51,03,000/- and further, for a direction to the first respondent to re-tender the collection of fees for the said period.

5 The learned Single Judge, finding that, to protect the interest of revenue, the second respondent should be afforded an opportunity to submit his bid, directed the second respondent to appear before the first respondent on 18.02.2016 (today), making a clear written offer and also his willingness to take the licence for a period of one year from 01 April 2016 to 31 March 2017 and further directed that the matter be listed on 25 February 2016 for further hearing. Feeling aggrieved, the second respondent in the writ petition, has preferred this writ appeal.

6 The learned Senior Counsel appearing for the appellant submits that the issue involved in the writ petition requires further consideration, as the order sought to be impugned in this appeal is passed, ignoring the fact that the second respondent was given full opportunity to remit the required amount by demand draft or cash. Having failed to avail of the opportunity to remit the amount within the stipulated time, the second respondent, with an intent to making more offer, is attempting to nonsuit the appellant. It is further contended that the appellant be given one more opportunity to place his case in greater detail before the learned Single Judge for re-consideration of the matter.

7 In view of the aforestated submissions made by the learned Senior Counsel appearing for the appellant, we are not inclined to make any observation on merits of case and we grant liberty to the appellant to place his case afresh before the learned Single Judge. The date fixed by the learned Single Judge

for the appearance of the second respondent before the first respondent is postponed to the next date of hearing, to be fixed, if necessary, by the learned Single Judge.

With the aforestated observations, the writ appeal stands disposed of. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

cad

To

The Commissioner
Coimbatore City Municipal Corporation
Victoria Town Hall
Coimbatore 641 001

+ 1 cc to Mr.S.S. Rajesh, Advocate Sr.10338

+ 1 CC TO M/s.Pass Associates, ADVOCATE SR 2427 (24/2/16)

W.A. No.187 of 2016

GR(CO)
Eu 19.02.16

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