



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WEB COPY

W.P. (MD) Nos.4738 of 2015, 1222 and 2566 of 2016
and

M.P. (MD) .Nos.1 of 2015, 994, 995, 1064, 2269, 2270 of 2016

S.Sakthikumar ... Petitioner in all W.Ps.

Vs.

1. Tirunelveli City Municipal Corporation Council,
represented through its Mayor,
City Municipal Corporation Office,
Tirunelveli.

2. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

3. The Assistant Commissioner,
Melapalayam Region,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents in all W.Ps.

Prayer in WP(MD). 4738/ 2015 : Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the Impugned Proceedings of the third Rrspondent herein in ந.க.கண்.10485 அ1-2013 dated 14.03.015 and quash the same and further direct the respondents herein to permit the Petitioner to collect fee in Pay and use modern latrine and bathroom, New Bus Stand, Tirunelveli till 31.03.2016 as per the 2013 tender cum auction notification.

Prayer in W.P.No.1222 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned tender notification dated 31.12.2015 published in Malaimalar daily more particularly Item No.4 (license period 01.04.2016 to 31.03.2019 to collect fee in pay and use toilets) and quash the same and further direct the second respondent herein to consider the representation dated 07.01.2016 and pass necessary orders in view of Resolution No.413 dated 27.03.2013 within a specified time fixed by this Court.

Prayer in W.P.No.2566 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the third respondent in ந.க.கண்.அ1-8369-2015 dated 27.01.2016 and quash the same and further directing the respondents to pass an order extending the period of license for further three months from 01.04.2016 to 30.06.2016 by virtue of Resolution No.413 of Corporation Council dated 27.03.2013.



For Respondents : Mr.Aayiram K.Selvakumar
Government Advocate

C O M M O N O R D E R

After some elaborate arguments by both sides, it was pointed out that yesterday i.e., on 10.03.2016, there was a public auction, but none participated. Therefore, the Corporation has now come to a conclusion that for the next three months, due to election, they cannot call for fresh auction. Hence, now, as per the earlier resolution dated 27.03.2013, the petitioner may be permitted to continue up to 30.06.2016 for which course, the petitioner has also agreeable. The petitioner wants to continue up to 30.06.2016 only.

2. The learned Senior counsel appearing for the petitioner submitted that for the period from 01.04.2016 to 30.06.2016, the petitioner is prepared to pay 10% more than the amount which he already paid. He would further submit that to show his *bona fide*, the petitioner is prepared to deposit Rs.14,00,000/-, excluding tax amount. It is also his submission that he will surrender the possession on 30.06.2016 midnight.

3. Placing on record the submission made by the learned counsel appearing for the petitioner, the petitioner is directed to deposit Rs.14,00,000/- (Rupees Fourteen Lakhs only) to the respondent Corporation, on or before 30.03.2016. As and when such deposit is being made, the respondent Corporation is directed to permit the petitioner to continue the licence period till 30.06.2016, midnight. The question of refund of the deposit is concerned, it is for the Corporation to hand over the same, once the possession is hand over by the petitioner. It is made clear that extension of time sought for, which is granted, will not create any new right for claiming in future.

4. With the above directions, all the writ petitions are closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)

To

1. Tirunelveli City Municipal Corporation Council,
represented through its Mayor,
City Municipal Corporation Office, Tirunelveli.
2. The Commissioner, Tirunelveli City Municipal Corporation,
Tirunelveli.
3. The Assistant Commissioner, Melapalayam Region,
Tirunelveli City Municipal Corporation,
Tirunelveli.

+1cc to M/s.Aayiram K.Selvakumar, Advocate in SR.14200

+1cc to M/s.D.Nallathambi, Advocate in SR.13936

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