



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.11523 of 2016

and

W.M.P. (MD) .Nos.8812 to 8814 of 2016

\*\*\*\*\*

K.Jothibasu

...Petitioner

Vs

The Madurai City Municipal Corporation,  
rep.by tis Commissioner,  
Thallakulam, Madurai.

...Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records in connection with the impugned auction notification of the respondent in Mava3/038202/15 published in Daily Thanthi news paper dated 14.06.2016 in so far as the Sl.No.2 in Zone 1 and Sl.No.6 in Zone 2 and quash the same and consequently direct the respondent to issue fresh license by way of extension permitting the petitioner to collect parking fee from tourist vehicles parked at Ellis Nagar 70 feet road, bypass road, Fatima College to Nataraja Theatre, Thiruparamkundram road, Bharathiyar shopping complex and omni buses parked at Mattuthavani Omni Bus Stand for a further period of 16 months for the loss of period suffered by the petitioner.

For petitioner : Mr.Veera.Kathiravan  
Senior Counsel for  
M/s.K.K.Senthil

For Respondent : Mr.R.Murali  
\*\*\*\*\*

### ORDER

The petitioner was the highest bidder on the date of public auction conducted by the respondent Corporation to collect toll parking fee from tourist vehicles parked at Ellis Nagar 70 feet road, bypass road, Fatima College to Nataraja Theatre, Thiruparamkundram road, Bharathiyar shopping complex and omni buses parked at Mattuthavani Omni Bus Stand for a period of one year. Subsequently, it was extended for another two more years.



2. It is the grievance of the petitioner that due to certain reasons, out of three years, there was loss of 16 months, for which, the petitioner has given a representation to the respondent. Upto this date, the said representation has been pending for consideration. In the meanwhile, the respondent Corporation has published in 'Daily Thanti' on 14.06.2016 to go for public auction for collection of toll parking fee including Mattuthavani Bus stand and others. Challenging the action of the respondent, the petitioner is before this Court.

3. Learned Senior Counsel for the petitioner submitted that a detailed representation was sent long back to the respondent stating that the petitioner has suffered 16 months non-operation period due to various reasons mentioned therein. In such circumstances, without considering the same, the respondent Corporation ought not to have published auction notification in 'Daily Thanti' on 14.06.2016 more particularly, with regard to Sl.No.2 in Zone 1 and Sl.No.6 in Zone 2. In support of his submission, he has also brought to the notice of this Court the order passed in W.P.(MD).No.6022 of 2016 dated 31.03.2016 wherein, this Court has given liberty to the petitioner to work out his remedy in respect of non-operation of the period of 16 months. Therefore, it is pleaded, this Writ Petition is very well maintainable, more particularly, as the representation of the petitioner has still been pending with the respondent.

4. *Per contra*, learned Standing Counsel appearing for the respondent Corporation submitted that the order dated 31.03.2016 is a consent order giving a specific direction to the petitioner to hand over the premises in question peacefully to the respondent Corporation and allowing the respondent Corporation to go for public auction from 30.06.2016 onwards. Therefore, the petitioner cannot once again ask for extension as it would run against the consent order passed by this Court.

5. Be that as it may, since liberty is granted to the petitioner by this Court through W.P.(MD).No.6022 of 2016, dated 31.03.2016, to work out his remedy as far as non-operation of the period is concerned, the respondent Corporation is directed to consider the representation of the petitioner dated 31.12.2015, on merits and in accordance with law, on or before **30.06.2016**. It is made clear that the respondent Corporation shall dispose of the representation of the petitioner dated 31.12.2015, at the earliest point of time, without being influenced by the order passed by this Court. In the mean while, learned Counsel appearing for the respondent Corporation shall communicate the development that has taken place today, forthwith, to the respondent Corporation to enable the respondent Corporation to pass an appropriate order, without any further loss of time.



6. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

/True Copy/

Sd/-

Assistant Registrar(CS-I)

Sub Assistant Registrar(CS)  
Madurai Bench of Madras High Court,  
Madurai-23.

To  
The Commissioner,  
The Madurai City Municipal Corporation,  
Thallakulam, Madurai.

+1cc to M/s.K.K.Senthil, Advocate in SR.33666

W.P(MD) .No.11523 of 2016  
28.06.2016

ssm

PBK/AAL-MPA/SAR-III 28/06/2016 ::3P-3C:: (IT)