



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P (MD) No.11586 of 2016

and

W.M.P. (MD).8874 of 2016

S.Ganesan

.. Petitioner

vs.

The Madurai Corporation,
rep. by its Commissioner,
Madurai.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Certiorarified Mandamus, to call for the records relating to the proceedings Respondent made in Madurai.Va.3/11598/16 dated 31.3.2016 and the consequential auction proceedings published in Tamil Daily Dinamani, dated 14.06.2016, in Ma.Va.3/038202/2015 in respect of Avaniyapuram Grass Plot No.1, 2, 3, 4 and 6 and quash the same and direct the respondent to extend the License period to the petitioner in terms G.O.No.78 Municipal Administration and Water Supply (MANA2) Department, dated 25.5.2009.

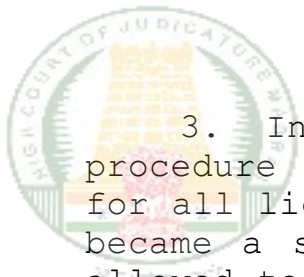
For Petitioner : M/s.Chamundi Bose

For Respondent : Mr.R.Murali

O R D E R

The petitioner's request to pay the licence fee of the year 2016-2017 in installment basis, was refused by the impugned orders of the respondent. Challenging the said orders, the present writ petition has been filed to quash the same with the consequential direction to the respondent to extend the License period of the petitioner in terms G.O.No.78 Municipal Administration and Water Supply(MAWS) Department, dated 25.5.2009.

2. The petitioner had participated in the public auction held on 27.03.2015 for the year 2015-2016 and he was declared as a successful bidder. The upset price for one year was Rs.16,00,000/- . The petitioner was selected as a highest bidder as he has shown Rs.53,00,000/- as tender amount. After paying the income tax and service tax, the total amount came to Rs.61,66,550/- for one year to be paid to the Corporation. Since <https://hdservices.ecourt.gov.in/hdservices/> was more than 300% of the upset price, he has paid the entire amount to the Corporation without any due.



3. In the meanwhile the Government have issued revised procedure in G.O.Ms.No.78(MAWS)Dept., dated 25.05.2009 invariably for all licences. Therefore the case of the petitioner is, when he became a successful bidder for the year 2015-2016, he should be allowed to enjoy the benefit of the G.O.Ms.No.78(MAWS)Dept., dated 25.05.2009 for the full period of three years. This is also fairly conceded by Mr.R.Murali, learned counsel appearing for the respondent Corporation.

4. Adding further, he would submit that when G.O.Ms.No.78(MAWS) Dept., dated 25.05.2009 has been applied uniformly without showing discrimination to anyone, the same should be also made applicable to the petitioner also.

5. But the petitioner in the present case does not come to this Court with clean hands. When he was declared as a highest bidder for the year 2015-2016 after paying the total amount of Rs.61,66,550/-, he has to pay 5% over and above the previous year bid amount as one time payment for the year 2016-2017.

6. While so, the petitioner made a representation on 23.03.2016 requesting the respondent to give him three installments. This was refused by the respondents. Therefore, if the petitioner comes forward to make the payment of total amount in one installment, the petitioner will be permitted to enjoy the benefit of G.O.Ms.No.78(MAWS)Dept., dated 25.05.2009.

7. Recording the statement made by the learned counsel for the petitioner, this Court gives liberty to the petitioner to make the one time payment on or before 11 a.m. on 29.06.2016, in default, the respondent Corporation is at liberty to take further action.

8. With the above direction, the writ petition stands disposed of. No costs. The Connected WMP is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS)

To

The Commissioner, Madurai Corporation, Madurai.

+1CC to M/S.R.Murali, Advocate, SR.No. 33757

+1CC to M/S. Chamundi Bose, Advocate, SR.No. 33743

Pjl

JM/AAL-MPA/SAR-II/28.06.2016/2P-4C