

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2017

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.Nos.4149 to 4151 of 2017
and W.M.P.Nos.4293 to 4298 of 2017

S. Suresh .. Petitioner
in W.P.4149/2017

G. Mari Gounder .. Petitioner
in W.P.4150/2017

S. Rajagopal .. Petitioner
in W.P.4151/2017

Vs.

1. The Special Officer
Mecheri Selection Grade Town Panchayat
Mecheri - 636 453
Mettur Taluk
Salem District.

2. The Executive Officer
Mecheri Selection Grade Town Panchayat
Mecheri - 636 453
Mettur Taluk
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the impugned tender notification dated 10-02-2017 made in Na.Ka.No.123/2017/08 issued by the respondents herein and quash the same and consequently direct the respondents to allow the petitioner herein to collect Toll/parking Charges for coming vehicles to Arulmigu Pathrakaliamman Temple, Daily market and Wednesday Weekly market at Mecheri, Mettur Taluk, Salem District for remaining period of one year in terms of G.O.Ms.No.181, Municipal Administration and water supply dept., dated 19-09-2008 and pass orders.

For petitioner :: Mr. M.R. Jothimanian

For respondents :: Mr. M. Elumalai, G.A.

C O M M O N O R D E R

The petitioners are registered Contractors and licence holders with the second respondent herein. As per the provisions of Tamil Nadu District Municipalities Act and G.O.Ms.No.181, Municipal Administration and Water Supply Department dated 19-09-2008, the second respondent, who is having the authority to grant permission for collection tax and toll fees by inviting tenders once in every three years has conducted auction and the petitioners were the successful bidders for the collection of toll/parking charges for the coming vehicles to Arulmigu Pathrakaliamman Temple, Daily market and Wednesday Weekly market at Mecheri, Mettur Taluk, Salem District and they had also paid the bid amount including taxes. However, to the shock and surprise of the petitioners, when the tender period is still subsisting in force, the second respondent has issued a tender notification dated 10-02-2017 inviting tenders from the registered contractors stating that the auction will be held on 17-02-2017. The petitioner's request for extension of their contract or renewal of their license was not at all considered by the second respondent. Moreover, since the period of contract has not come to an end, the petitioners have moved this Court for an appropriate mandamus to the second respondent and also to quash the impugned tender notification.

2. Mr. M. Elumalai, learned Government Advocate accepts notice on behalf of the respondents and on 17-02-2017, when the matter came up before this Court, this Court directed the learned Government Pleader to get instructions from the respondents as to why they are conducting auction in a hurried manner, when the lease period has not yet been ceased and directed the respondents not to take final decision till 20-02-2017.

3. Today, the learned Special Government Pleader, with instructions from his Officer, Mr. S. Ganesh, Executive Officer, Mecheri Town Panchayat, who is appeared in person before this Court, would submit that the petitioners' license period will be ended in the month of March/ April 2017 and till date they have not paid the remaining bid amount, which is a sum of Rs.1,00,000/- (Rupees One lakh only) in case of the petitioners in W.P.Nos.4149 and 4151 of 2017 and Rs.25,000/- (Rupees Twenty five thousand only) in case of the petitioner in W.P.No.4150 of 2017.

4. In reply to the said contention, the learned counsel for the petitioner submitted that there is no communication in this regard from the respondent and the petitioners are always ready and willing to pay the balance amounts.

5. In view of the above, this Court is of the considered view that the balance bid amounts shall be paid by the petitioners within a period of one week from today and on such payment, it is for the respondents to take a final decision, on merits and on the basis of the G.O.Ms.No.181, Municipal Administration and Water Supply Department, dated 19-09-2008. It is needless to say that in default of payment, the respondents are at liberty to take appropriate action.

6. The writ petitions are disposed of, on the above terms. No costs. The connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

1. The Special Officer
Mecheri Selection Grade Town Panchayat
Mecheri - 636 453
Mettur Taluk
Salem District.

2. The Executive Officer
Mecheri Selection Grade Town Panchayat
Mecheri - 636 453
Mettur Taluk
Salem District.

+3 Ccs to Mr. M.R. Jothimanian, Advocate sr 10814,10815,10816

+3 CCs to Mr. M. Elumalai, Advocate sr 11358,11359,11360

(23/2/2017)

WEB COPY

W.P.Nos.4149 to 4151 of 2017

GJ(CO)
sp/21/2