

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.7469 of 2017

and

W.M.P.Nos.8158 to 8160 of 2017

V.Doss

..Petitioner

Vs.

The Commissioner,
Poonamallee Municipality,
Poonamallee.

..Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the notice of tender cum public auction bearing Na.Ka.No.97/2017/A1 dated 09.03.2017 issued by the respondent and to quash the same as arbitrary, illegal and without authority of law, with consequential direction to the respondent to receive the lease amount due for the period 2016-2017 and extend the period of lease for the remaining period from 01.04.2017 to 31.03.2018 in respect of the two wheeler parking stand in the Poonamallee Bus Stand.

For Petitioner .. Mr.Haja Nazirudeen,
Sr. Counsel for
Mr.R.Tholgappian

ORDER

The petitioner herein was the successful licensee from the year 2009 onwards for the collection of two wheeler charges in the land belonging to the respondent/Municipality. After the period of licence was over, for the next ensuing years, a Notification was issued through a paper publication by the respondent. On the very same day, the petitioner made a representation on 16.03.2017 seeking extension of the said licence for a period of three years. As the said request has not been considered even now, the present writ petition has been filed.

2.Learned senior counsel appearing for the petitioner submits that as per the Government Order passed in G.O.Ms.No.92 Municipal Administration and Water Supply Department dated 03.07.2007, the petitioner is entitled for extension. Therefore, the impugned paper publication calling for fresh tender will have to be stayed.

3.This Court is unable to accept the said contention. The Government Order referred by the learned senior counsel for the petitioner does not apply to the licence granted for the collection of fees/charges in a cycle stand owned by the respondent municipality. Secondly, the licence given in favour of the petitioner makes a clear specification of the period mentioned. Thirdly, the petitioner belatedly made a representation after a decision to bring the said right for auction was made by the respondent. The proceedings of the respondent dated 09.03.2017 was published in the paper on 16.03.2017. The petitioner made a representation on the very same day and thereafter rushed to this Court.

4.Thus looking from any perspective, this Court does not find any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To
The Commissioner,
Poonamallee Municipality,
Poonamallee.
+ 1 cc to Mr.R.Sivakumar, Advocate Sr.No.19073
+ 1 c to Mr.P.Hari babu, Advocate Sr.No.18915

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RK(CO)

RRI 12/04/2017