

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.9888 of 2017 &
W.M.P.No.10889 of 2017

B.Sathiyavelu

...Petitioner

v.

- 1 The Secretary
Puducherry Tourism Development Corporation Ltd
Secretariat, Puducherry
- 2 The Managing Director
Puducherry Tourism Development Corporation Ltd.
Lalbahadour Sashtri Street
Puducherry
- 3 The Manager
The Le Cafe Restaurant
Beach Road, Puducherry
... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 2nd respondent to permit the petitioner to carry on the business at Softee Ice Cream Parlour at "Le Cafe" (Sea side) at Pondicherry beach.

For Petitioner : Mr.D.Senthil Kumar

For Respondents : Ms.D.Reena T.Swamy
Addl. Govt.Pleader (P) -
for R1 & R2

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the 2nd respondent to permit the petitioner to carry on the business at Softee Ice Cream Parlour at "Le Cafe" (Sea side) at Pondicherry beach.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been making regular payment to the respondents towards the commission charges on daily basis

without any default and therefore, he should be permitted to continue the business in the said place.

3. Ms.D.Reena T.Swamy, learned Additional Government Pleader (Pondicherry), taking notice for the respondents 1 and 2 submitted that the the petitioner is in arrears of more than a lakh of Rupees towards the commission charges. Further, the tenure of lease had expired as early as on 31.03.2017. The Additional Government Pleader further submitted that the respondents 1 and are going to call for fresh tenders and in that case, the petitioner may participate in the same.

4. Having regard to the submissions made by the learned counsel on either side, since the period of lease had expired on 31.03.2017 itself, I do not find any reason to permit the petitioner to continue to do the business in the said place. When the respondents are likely to call for fresh tenders for running ice cream business, the petitioner also can participate in the tender to be called for by the respondents.

5. The learned counsel appearing for the petitioner submitted that the petitioner had paid a sum of Rs.1,50,000/- and the EB deposit to the respondents and that the said amounts may be refunded to him.

6. The Additional Government Pleader (Pondicherry) submitted that after adjusting the dues payable by the petitioner, the balance amount would be refunded to the petitioner.

7. In these circumstances, recording the submission made by the leaned Additional Government Pleader (Pondicherry), I do not find any reason to entertain the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
-s/d-

Assistant Registrar(CSVIII)

True Copy

Sub-Assistant Registrar

Rj

To

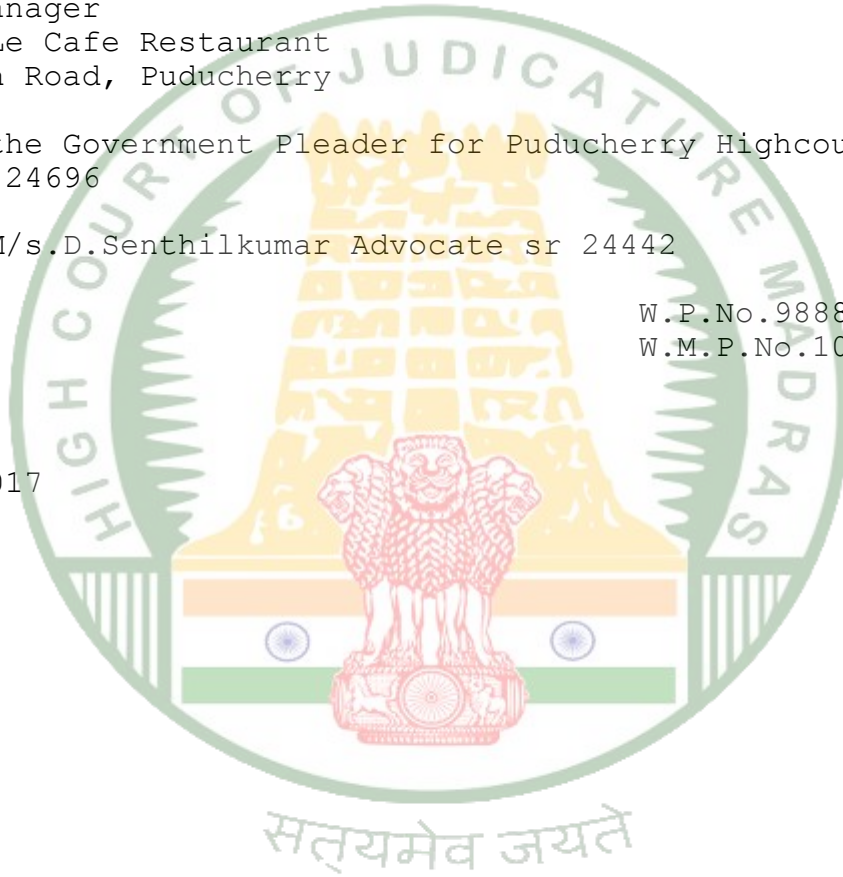
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+1 cc to the Government Pleader for Puducherry Highcourt
Madras sr 24696

+1 cc to M/s.D.Senthilkumar Advocate sr 24442

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