

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE Dr.JUSTICE S.VIMALA

W.A.No.440 of 2017
and
C.M.P.Nos.6597 and 6598 of 2017

K.Poovendran ...Appellant

Versus

- 1 The Assistant Director of
Town Panchayats
Salem District, Salem
- 2 The Executive Officer
P.N. Patty Selection Grade Town Panchayat
Mettur Dam -2 Salem District. ...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 5.4.2017 passed in Writ Petition filed under Article 226 of the Constitution of India to issue an Order direction or Writ more particularly Writ in the nature of Writ of Mandamus directing the respondents to issue an order of license for collection of Entry Fees / Toll for Heavy Vehicles to transport Fly Ash from Mettur Thermal Power Project in pursuant to the auction held on 02.03.2017 at Second respondent Town Panchayat for the period from 01.04.2017 to 31.03.2018 forthwith W.P.No.7454 of 2017 on the file of this Court.

For appellant : Mr.L.Chandrakumar
For respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice for the respondents.

2. The writ appeal is filed challenging the order of the learned Single Judge dismissing the writ petition filed by the appellant seeking a direction to the respondents to grant licence to collect Entry Fee/Toll for Heavy Vehicles to transport Fly Ash from Mettur Thermal Power Project.

3. According to the petitioner, he is the highest bidder, but, he was not granted licence. The reason assigned for the same appears to be that the amount quoted by the petitioner is less than the average of last three previous years. The learned Single Judge, having found so, viewed that the tender is only an offer and until and unless the same has been accepted, there will not be a concluded contract and therefore, it is left with the authorities to accept or not to accept the same. The finding of the learned Single Judge does not call for any interference and the claim of the petitioner/appellant does not deserve any consideration.

4. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ssk

To

1 The Assistant Director of
Town Panchayats
Salem District, Salem

2 The Executive Officer
P.N. Patty Selection Grade Town Panchayat
Mettur Dam -2 Salem District.

+1ccc to Mr.M.R. Jothimanian, Advocate Sr. 23348

+1cc to the Government Pleader Sr. 23539

W.A.No.440 of 2017

KS (CO)
VR(16/5/2017)