



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.16165 of 2016

and

W.M.P(MD) No.11822 of 2016

C.Selvakumar

... Petitioner

Vs.

The Commissioner

Tirunelveli Municipal Corporation

Tirunelveli.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus call for the records of the respondent corporation proceedings in Na.Ka.No.E2/1287/14 dated 18.02.2016 and quash the same and consequently directing the respondent herein to register the name of the petitioner as Class I contractor in the respondent Corporation without insisting upon the payment of registration fee and earnest money from the petitioner based on G.O.Ms.No.1529 Home dated 03.05.1963.

For Petitioner

: Mr.S.M.Mohan Gandhi

For Respondent

: Mr.Aayiram K.Selvakumar

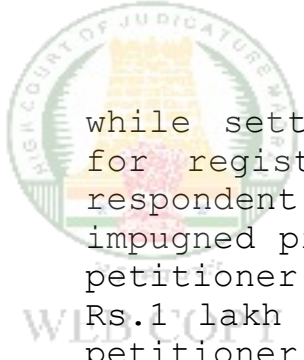
Additional Government Pleader

ORDER

This writ petition has been filed, seeking to call for the records of the respondent corporation proceedings in Na.Ka.No.E2/1287/14 dated 18.02.2016 and quash the same and consequently directing the respondent herein to register the name of the petitioner as Class I contractor in the respondent Corporation without insisting upon the payment of registration fee and earnest money from the petitioner based on G.O.Ms.No.1529 Home dated 03.05.1963.

2.Heard the learned Counsel appearing on either side.

3. It is the case of the petitioner that he is a civil Contractor and obtained several contracts from the local bodies. The Government, by G.O.Ms.No.1529 dated 03.05.1963, had given exemption to the schedule caste and schedule tribes Contractors in paying the registration fee, pursuant to which, the Public Works Department has decided to give exemption to such Contractors,



while settling the bills. On 31.08.2015, the petitioner applied for registration of his name as Class I contractor with the respondent Corporation. However, the respondent passed the impugned proceedings against the petitioner, thereby directing the petitioner to remit a sum of Rs.4,563/- as registration fee and Rs.1 lakh as Earnest Money Deposit. Aggrieved over the same, the petitioner has come before this Court with the above said prayer.

4. The learned Additional Government Pleader appearing for the respondent has fairly submitted that the application of the petitioner would be considered in the light of the G.O.Ms.No.1529 dated 03.05.1963, as there is no subsequent Government order in furtherance thereof.

5. Recording the said submission made by the learned Additional Government Pleader for the respondent, this writ petition is disposed of with a direction to the respondent to consider the application of the petitioner dated 31.08.2015 in terms of G.O.Ms.No.1529 dated 03.05.1963 within a period of six weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S.M.Mohan Gandhi, Advocate Sr.No.73742

RM

VB/JC/SAR2/06/09/2017/2P/2C

W.P(MD)No.16165 of 2016

21.08.2017