

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.NO.9484 OF 2017

O R D E R

Aggrieved by the inaction of the respondents in considering the representation of the petitioner dated 2.2.2017 for extending the contract period for a further period of four months, and in issuing fresh tender notification dated 11.3.2017, the present writ petition came to be filed.

According to the petitioner, he participated in the tender pursuant to the tender notification issued by the 4th respondent – Grampanchayat, for collecting fee from the businessmen of animals, vegetables and others for sale and purchase, within the limits of Gangadhara Grampanchayat, for the year 2015-16 and became the highest bidder. Due to demonetization enunciated by the Central Government in the month of November, 2016, there was no business in the Gram Panchayat limits, which prompted him to file a representation before the respondents 2 to 4, to extend the contract for a further period of four months on the ground that he sustained loss. The complaint of the petitioner is that no action has been taken on his representation dated 2.2.2017.

On the other hand, the learned Standing Counsel for the 4th respondent – Gram Panchayat submits that since the subject matter in the writ petition is contractual in nature, in exercise of jurisdiction under Article 226 of the Constitution of India, no indulgence of this court can be extended. In support of his submission, the learned counsel placed reliance on the

judgment of a Division Bench of this court in W.A.No.277/2017 dated 9.3.2017.

In the said judgment, the Division Bench of this court while dealing with an identical issue, categorically held that no indulgence is permissible under Article 226 of the Constitution of India.

In view of the above, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

A.V.SESHA SAI,J

DATE:20—03—2017

AVS

