

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.12862 of 2018
and
W.M.P.Nos.15114 & 15115 of 2018

S.Srinivasan

... Petitioner

Vs.

1. Corporation of Salem,
Rep.by its Commissioner,
O/o. Corporation of Salem,
Fort, Salem.

2. The Assistant Commissioner,
Corporation of Salem,
Suramangalam Ward Office,
Salem.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned auction cum tender notice in K1/6097/2015; K1/1/2017, dated 07.05.2018 issued by the 2nd respondent in the name of 1st respondent and quash the same in respect of 'collection of toll' in Salem New Bus Stand, situated at Achuvan Tank (Eri) New Bus Stand consequently direct the respondents to extend the petitioner's lease for the year 2018-2019 after revising the lease amount and adjustment of compensation to be computed mutually, as agreed by the 2nd respondent in N.K.No.K1/1/2017, dated 26.3.2018, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.R.Neelakandan

For Respondents : Ms.K.Bhuvaneshwari
Standing counsel

O R D E R

Heard Mr.R.Neelakandan, learned counsel for the petitioner and Ms.K.Bhuvaneshwari, learned Standing counsel for the respondents and perused the materials available on record.

2.This writ petition has been filed to quash the impugned auction cum tender notice issued by the second respondent dated 07.05.2018.

3.The case of the petitioner is that in the public auction cum tender conducted by the respondents in the year 2017, he was declared as a successful bidder and a licence was issued for collecting toll fee in the Salem New Bus Stand. He would further state that after entered into a lease agreement, he could not collect the toll fee for the reason that the New Bus Stand was under renovation. Hence, he made a representation to the respondents for re-fixation of the lease amount and renewal of licence for subsequent period. However, the second respondent erroneously cancelled the lease agreement, hence, the present writ petition.

4. Perusal of the records reveals that the second respondent issued notices to the petitioner, directing to pay the entire licence fee for the period 2017-2018. Those notices have not been admittedly challenged by the petitioner. It is not a case of the petitioner that he is entitled for renewal of licence for the subsequent period and his application was not considered by the respondent. Hence, I do not find any reason to quash the impugned notices. In fine, this writ petition fails and the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Salem,
O/o.Corporation of Salem,
Fort, Salem.

2.The Assistant Commissioner,
Corporation of Salem,
Suramangalam Ward Office,
Salem.

+lcc to Mr.R.Neelakandan, Advocate SR.No.50218

+lcc to Mr.K.Bhuvaneswari, Advocate SR.No.50319

W.P.No.12862 of 2018

and

W.M.P.Nos.15114 & 15115 of 2018

KGK(CO)

SMT/29.08.2018

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