



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.05.2018
CORAM

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P(MD)No. 10706 of 2018
and W.M.P. (MD) No.9802 of 2018

WEB COPY

S.Alagesan

... Petitioner

Vs.

1.The Assistant Director (Village Panchyat),
Collector Office Campus,
Kanyakumari District,
At Nagercoil.

2.The Block Development Officer,
Perumalpuram,
Kottaram Post,
Agastheeswaram Union,
Kanyakumari District.

3.Special Officer,
Kovalam Village Panchayat,
Kovalam,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to extend the lease period granted to the petitioner for collecting the entry fees from sunset point, Kovalam as well as the usage fee at the toilet at sunset point for a period of 3 years commencing from 01.06.2018 to 31.05.2021 by accepting 30% over and above the existing lease amount by considering the representation of the petitioner dated 31.03.2018.

For Petitioner	: Mr.T.Jeen Joseph
For R1	: Mr.R.Sethuraman Special Government Pleader
For R2 & R3	: Mr.Aayiram K.Selvakumar Special Government Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to extend the lease period granted to the petitioner for collecting the entry fees from sunset point, Kovalam as well as the usage fee at the toilet at sunset point for a period of 3 years commencing from 01.06.2018 to 31.05.2021 by accepting 30% over and above the existing lease amount by considering the representation of the petitioner dated



31.03.2018.

2. The petitioner is a successful bidder for collecting the entry fees from sunset point, Kovalam Beach, in the tender floated by the respondents. Even though the petitioner was granted tender for 3 years commencing from 1.6.2015 to 31.05.2018, due to the intervention of the third parties, it was delayed by three months. The petitioner seeks extension of three months due to the delay caused by the respondents. It is well settled that the petitioner is entitled for extension for unused period.

3. The learned Special Government Pleader appearing for the respondents 2 and 3 would submit that the petitioner was allowed only for three years and the delay was caused due to filing of the writ petition by the third parties and the respondents 2 and 3 are not responsible for that.

4. However, considering the submissions made on either sides, this Court is inclined to direct the respondents 2 and 3 to extend the period of tender for three months, since the delay was caused by the respondents in handing over the possession.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.9802 of 2018 is closed.

Sd/-

Vacation Officer (RTI)

/True Copy/

Sub Assistant Registrar

TO

1. The Assistant director (Village Panchyat),
Collector Office Campus,
Kanyakumari District, At Nagercoil.
2. The Block Development Officer,
Perumalpuram,
Kottaram Post,
Agastheeswaram Union,
Kanyakumari District.
3. Special Officer, Kovalam Village Panchyat, Kovalam,
Kanyakumari District.

+1CC to Mr.T.Jeen Joseph Advocate in SR.No.65233,
+1CC to Special Government Pleader in SR.No.65268.

CM

DS/KKR/SAR-1 :15.05.2018: 2P/6C