

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.8082 & 4785 OF 2019

AND

W.M.P.No.8675 of 2019 in W.P.No.8082 of 2019

W.P.No.8082 of 2019:

R.Ilanji

...Petitioner

Versus

1.The District Collector,
Salem District,
Salem.

2.The Assistant Director of Town Panchayat,
Collectorate Campus,
Salem,
Salem District.

3.The Executive Officer,
Tharamangalam Town Panchayat,
Tharamangalam Post,
Omair Taluk,
Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to renew the license for collection of toll charges at Tharamangalam daily market based on the representation of the petitioner dated 26.02.2019 in the light of the earlier license dated 28.03.2018 in Condition No.6 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents

Nos. - 1 & 2 : Mr.B.Anand,
Government Advocate,

Respondent - 3 : Mr.K.T.Devendran

W.P.No.4785 of 2019:

K.Ravi

...Petitioner

Versus

1.The Executive Officer,
Tharamangalam Town Panchayat,
Tharamangalam (Post), Omalur Taluk,
Salem (DT) - 636 502.

2.The Assistant Director of Town Panchayat,
Office of the Assistant Director of Town Panchayats,
Collectorate Campus, Salem District,
Salem.

3.The District Collector,
Collectorate Campus, Salem,
Salem District.

4.R.Ilanji

...Respondents

(Respondents 3 & 4 are impleaded vide order dated 21.03.2019,
made in W.M.P.No.6492 of 2019 in W.P.No.4785 of 2019)

Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of Mandamus
directing the respondents to pass orders on the representation
of the petitioner dated 31.01.2019 after giving him an
opportunity of being heard.

For Petitioner : Mr.G.Suresh Kumar

For Respondent - 1: Mr.K.T.Devendran

Respondents-2 & 3 : Mr.B.Anand,
Government Advocate

Respondent - 4 : No Appearance

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COMMON ORDER

Both Writ Petitions have been taken together for final
disposal.

2. The learned counsels appearing for the petitioners
submitted that Writ Petition in W.P.No.8082 of 2019 has been
filed by the writ petitioner/R.Ilanji before this Court praying

to direct the third respondent to renew the license for collection of toll charges at Tharamangalam daily market based on his representation dated 26.02.2019 in the light of the earlier license dated 28.03.2018 in Condition No.6 forthwith, and the another Writ Petition in W.P.No.4785 of 2019 was filed by the petitioner/K.Ravi seeking for direction upon the respondents to pass order on the representation submitted by him dated 31.01.2019 after giving him an opportunity of being heard to conduct the public auction.

3. The learned counsel for petitioners further submitted that in W.P.No.4785 of 2019, the petitioner made a detailed representation dated 31.01.2019 before the first respondent/Executive Officer to conduct the public auction for further period from 2019 for daily and weekly markets in fair manner and in accordance with law and the same should be videographed. As per the Government Order in G.O.Ms.No.181, Municipal Administration and Water Supply Department, dated 19.09.2008, the lease period is fixed for 3 years (i.e., from 2018-2019, 2019-2020 and 2020-2021) and the auction was conducted as per the rules and regulations in force publicly and in a transparent manner before the auction bidders and public, hence, the said Government Order will not apply to the aforesaid daily and weekly markets run by the respondent. On the other hand, on 26.02.2019, the petitioner in W.P.No.8082 of 2019 made a representation before the respondent/Executive Officer to extend the license period from 01.04.2019 to 31.03.2020 which being the year by additional payment of 5% on the earlier bid amount.

4. By way of the representation dated 31.01.2019, the petitioner/K.Ravi in W.P.No.4785 of 2019 has raised strong with regard to the consideration of representation dated 26.02.2019 submitted by the writ petitioner/R.Ilanji in W.P.No.8082 of 2019 for renewal of licensing period for the reason that the said renewal Application was not filed within a time. Therefore, petitioner/R.Ilanji cannot seek for a renewal of license from the respondent Panchayat.

5. Be that as it may, the issue whether the application for the renewal of license was submitted by the petitioner/R.Ilanji in W.P.No.8082 of 2019 within a time or not cannot be decided by this Court, only the respondent Panchayat shall consider such issue, as the said course will meet the ends of justice.

6. Therefore, this Court is inclined to direct the respondent to consider the representation of the respondent/writ petitioner/R.Ilanji in W.P.No.8082 of 2019 for renewal of license dated 26.02.2019 in accordance with law by considering the objection of writ petitioner/K.Ravi in W.P.No.4785 of 2019

and pass appropriate orders within a period of one week from the date of receipt of a copy of this order.

7. In the result, these Writ Petitions are disposed of with the above direction. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

mrr

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Executive Officer,
Tharamangalam Town Panchayat,
Tharamangalam (Post), Omalur Taluk,
Salem (DT) - 636 502.
- 2.The Assistant Director of Town Panchayat,
Office of the Assistant Director of Town Panchayats,
Collectorate Campus, Salem District,
Salem.
- 3.The District Collector,
Collectorate Campus, Salem,
Salem District.

+2cc to Mr.G.Suresh Kumar, Advocate, SR.No.30859
+1cc to Mr.C.Prabakaran, Advocate, SR.No.31373

W.P.Nos.4785 & 8082 of 2019

Kak (02/04/2019)

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