



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

**W.P. (MD) No.3480 of 2019**

**and**

**W.M.P (MD) .Nos.2740 and 2741 of 2019**

P.Suresh Kumar

... Petitioner

Vs

1.The District Collector,  
Kanyakumari District,  
Nagercoil.

2.The Executive Officer,  
Kadaiyalu Moodu Town Panchayat,  
Kanyakumari District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned tender notification in Na.Ka.No.15/2019/A1 dated 08.02.2019 of the second respondent and quash the same and consequently directing the second respondent to extend the lease to operate boating club in the Thirupparappu Waterfalls considering representation of the petitioner dated 25.09.2018.

|                |                                                  |
|----------------|--------------------------------------------------|
| For Petitioner | : Mr.S.Saji Bino                                 |
| For R1         | : Mr.K.Mu.Muthu<br>Additional Government Pleader |
| For R2         | : Mr.M.Rajarajan<br>Government Advocate          |

**ORDER**

Heard the learned counsel on either side.

2. The petitioner seeks extension of the lease to operate the boating club in Thirupparappu Waterfalls by considering his representation dated 25.09.2018.

3. The learned counsel for the petitioner states that due to severe forest flood the petitioner could not operate the boat club from August-2018 to December-2018. He therefore seeks corresponding extension of the lease period.

4. I am of the view that it is for the second respondent to take a call in the matter in the first instance. After the second respondent formally decides, this Court can always test the



validity of the decision. Therefore, the second respondent is directed to dispose of the petitioner's representation dated 25.09.2018 on merits and in accordance with law. It is made clear that this Court has not pronounced anything on the merits of the matter.

5. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

1. The District Collector,  
Kanyakumari District,  
Nagercoil.
2. The Executive Officer,  
Kadaiyalu Moodu Town Panchayat,  
Kanyakumari District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 51563

**W.P. (MD) No. 3480 of 2019**  
**01.03.2019**

TR (23.04.2019) 2P 4C