



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

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

W.P. (MD) No.5946 of 2019

and

W.M.P. (MD) No.4769 of 2019

V.Shakila

... Petitioner

Vs

The Commissioner,
Dindigul Corporation,
Dindigul,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent corporation vide his impugned proceedings **ந.க.எண்** .15935/2018/**அ**7 dated 20.02.2019 and quash the same as illegal and consequently to direct the respondent to refund Rs.18,00,000/- paid by the petitioner with accrued interest thereon within the period that may be stipulated by this Court.

For Petitioner

: Mr.Ajmal Khan, Senior Counsel
For M/s.Ajmal Associates

For Respondent

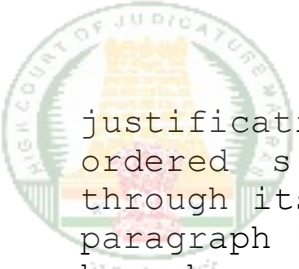
: Mr.J.Lawrance

ORDER

Heard the learned senior counsel appearing for the writ petitioner and the learned standing counsel appearing for the respondent/Corporation.

2.The writ petitioner was the highest tenderer in the tender process floated by the respondent/Corporation for granting license to run six urinals and one sanitary complex on pay and use basis.

3.The petitioner had deposited a sum of Rs.30 Lakhs. The annual license fee was Rs.27 Lakhs. But shortly after the tender was awarded in favour of the writ petitioner, the respondent/Corporation converted the six urinals into free public toilets. Therefore, the writ petitioner was left only with one sanitary complex. The writ petitioner therefore asked proportionate refund of the license fee paid by her. She submitted a representation in that regard. But then, the respondent took a stand that it is not possible to make refund. Therefore, this writ petition came to be filed. Finding



justification in the request of the writ petitioner, this Court ordered a short notice. The corporation entered appearance through its standing counsel and also filed counter affidavit. In paragraph 9 of the said counter affidavit, the following averments have been made:-

WEB COPY "It is further submitted that during the pendency of the above said writ petition, on 20.03.2019 the writ petitioner has voluntarily approached this respondent and submitted a representation stating that she is ready to pay the lease amount fixed for the year 2017-2018 i.e., Rs.11,70,000/- with 20% additional amount along with necessary taxes for the above said one sanitary complex which was leased out to her by this respondent. Further, she has consented for adjustment of remaining amount from the original lease amount of Rs.27,00,000/-. This respondent has accepted the said proposal and necessary orders will be issued accordingly after getting necessary approval from this respondent Council."

4. Recording the said submission as set out above, this Court directs the respondent to issue appropriate proceedings on the lines indicated therein. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar (CS)

To
The Commissioner,
Dindigul Corporation,
Dindigul,
Dindigul District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-58816[F] dated 04/04/2019)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-58875[F] dated 04/04/2019)

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W.P. (MD) No.5946 of 2019
03.04.2019