



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **22.10.2019**

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ
W.P. (MD) No. 18447 of 2019

WEB COPY

M. Pawankumar

: Petitioner

Vs.

1. Tirunelveli City Municipal Corporation,
Represented through its
Special Officer/Council,
Corporation Office,
Tirunelveli.

2. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

3. The Assistant Commissioner,
Melapalayam Ward Office,
Tirunelveli City Municipal Corporation,
Tirunelveli-627 005.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the second respondent herein in his proceedings in ந.க.எண்.அ.1-8369-2015, dated 24.07.2019 and quash the same as without jurisdiction and illegal and further, direct the first and second respondents herein to pass appropriate orders for extending the petitioner's license to collect fixed amount in pay and use toilet, Tirunelveli New Bus Stand, Melapalayam Zone, Tirunelveli for further period of three months from 01.12.2019 to 28.02.2010, within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.Aayiram K.Selvakumar,
Standing Counsel for Corporation

ORDER

The petitioner is the successful Contractor for running the modern toilet facilities at Tirunelveli Bus Stand under the control of Tirunelveli City Municipal Corporation. He was awarded the contract for the period between 01.12.2016 and 30.11.2019. The condition of the contract is that he is entitled to enjoy the licence for a period of three years commencing from the date of handing over of the premises. According to the petitioner, it was



handed over to him on 08.12.2016. The Corporation has taken three months for repairing and handing over possession. However, considering the time taken for handing over possession, the petitioner seeks extension of three more months time. His request for extension of time was rejected by the proceedings in ந.க.என்.அ.1-8369-2015, dated 24.07.2019. Challenging the same, the petitioner is before this Court.

2. Heard both sides.

3. The entire transaction is based on the conditions of licence given to the petitioner. When parties entered into a contract, they should abide by the contract and the terms of contract, the Court should sparingly intervene. Therefore, on the basis of the contract, the petitioner is entitled to three years from the date of possession i.e., 08.12.2016. In that view of the matter, he is entitled to possession till 08.12.2019. The respondents are directed to take possession from the petitioner on 09.12.2019. If at all the petitioner wants further extension, he is given liberty to approach the respondents with a fresh representation.

4. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.Tirunelveli City Municipal Corporation,
Represented through its
Special Officer/Council,
Corporation Office,
Tirunelveli.
- 2.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 3.The Assistant Commissioner,
Melapalayam Ward Office,
Tirunelveli City Municipal Corporation,
Tirunelveli-627 005.



+1 CC to Mr.D.NALLATHAMBI, Advocate (SR-93812[F] dated 23/10/2019)
+1 CC to Mr.AAYIRAM K.SELVAKUMAR, Advocate (SR-93947[F] dated
23/10/2019)

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sml

MK (01.11.2019) 3P 6C

Order made in
W.P. (MD) No.18447 of 2019
Dated: 22.10.2019