



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P(MD)No.25872 of 2019

and

W.M.P(MD)Nos.22386 and 22389 of 2019

T.Devakumar

... Petitioner

Vs.

1.The Senior Divisional Commercial Manager,
Southern Railway,
Tiruchirappalli.

2.The Senior Divisional Finance Manager,
Southern Railway,
Tiruchirappalli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records, relating to the impugned order in tender document in Tender No.TC300 HLF - Parking - GOC - NFR dated 12.11.2019 issued by the first respondent and to quash the same as illegal and consequently to direct the respondents to permit the petitioner for collection of Hawker's License Fees / Toll & Parking Charges at Golden Rock Colony Area, Tiruchirappalli by receiving the 2nd Half Year License fee within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Karthick Kumar

For Respondents : Mr.S.Manohar

ORDER

Mr.S.Manohar, learned standing counsel takes notice for the respondents.

2. This Writ petition has been filed by the petitioner challenging the tender document issued by the Trichirappalli Division - Commercial/Southern Railway, dated 12.11.2019.

3. It is stated that earlier, the writ petitioner was the successful bidder for collection of Hawkers' License Fee / Toll & Parking Charges at Golden Rock Colony Area, Tiruchirappalli, for a period of five years. Even as per the tender conditions, if the licensee delays the payment of license fee after the grace period of seven days, the Administration will have the liberty to impose penalty for each day of delayed payment. In case of failure of



payment of two subsequent advance Half Yearly License fee, the Senior Divisional Commercial Manager at his discretion may decide to terminate the contract by issuing a show-cause notice.

4. In this case, the petitioner had admittedly defaulted in making the Half Yearly License fee. Therefore, a show-cause notice was issued to him on 16.09.2019 calling upon him to show-cause as to why his contract should not be terminated as per the special conditions of the tender. Admittedly, the petitioner did not respond to the said notice. Therefore, on 11.10.2019, his contract was terminated as per the tender conditions. Thereafter, a fresh tender notification, which is now impugned was issued. Therefore, challenging the same, the petitioner has come to this Court.

5. Admittedly, termination of the petitioner's contract on 11.10.2019 is challenged by the petitioner in W.P(MD)No.23894 of 2019, which is said to be pending before this Court and there is no interim order granted. When the termination order is challenged by the petitioner, it is not open to him to challenge the tender notification issued, when he cannot be an aggrieved person as he is also eligible to take part in the tender.

6. As the petitioner cannot have any grievance by floating of a fresh tender by the respondents, this writ petition filed by the petitioner challenging the tender notification issued, is liable to be dismissed.

7. In the result, this writ petition is dismissed. It is open to the petitioner to approach the respondents to redress any of his grievances if it is otherwise permitted by tender conditions. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

1.The Senior Divisional Commercial Manager,
Southern Railway, Tiruchirappalli.

2.The Senior Divisional Finance Manager,
Southern Railway, Tiruchirappalli.

+1 CC to M/s.S.MANO HAR, Advocate (SR-103500[F] dated 05/12/2019)

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04.12.2019

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