

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15924 of 2020
and
WMP Nos.19794 & 19795 of 2020

Mr.K.Venkatesh

...Petitioner

.vs.

The Chief Executive Officer,
St.Thomas Mount cum Pallavaram Cantonment,
Having Office at: North Parade Road,
St.Thomas Mount,
Chennai 600 016.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records relating to the impugned Tender Notice dated 12.10.2020 in Tender Notice No.STM/REV/2012 and order dated 23.10.2020 in STM/REV/2105 of the Respondent herein and quash the same and consequently direct the Respondent to renew the license in favour of the Petitioner for a further period of one year in respect of maintenance of parking area and collection of vehicle parking fees in St.Thomas Mount cum Pallavaram Cantonment limits.

For Petitioner : Mrs.AL.Ganthimathi

For Respondent : Mr.C.Mohan
for M/s.King and Patridge

ORDER

This Writ Petition has been filed challenging the impugned notice dt. 23.10.2020 and for a consequential direction to the respondent to renew the license in favor of the petitioner for a further period of one year.

2.The case of the petitioner is that he was the successful bidder for grant of license in respect of maintenance of parking area and collection of vehicle parking fees in St. Thomas Mount and Pallavaram cantonment. The period of the tender was from

01.12.2019 to 30.11.2020. The petitioner made a representation to the respondent on 24.09.2020, requesting for waiver of the license fees that was payable by the petitioner during the lock down period and the petitioner further requested for extension of the license period for six more months. The request made by the petitioner was rejected by the respondent through the impugned letter dt. 23.10. 2020. That apart, steps were also taken by the respondent to call for applications by issuing a E-Tender notice dt. 12.10.2020. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3.The learned counsel for the petitioner submitted that the petitioner was not able to carry on with the business from March 2020 till August 2020, due to continuous lock down. The learned counsel further submitted that the respondent even without considering the request made by the petitioner refused to grant waiver to the petitioner with regard to the license fees and further had issued fresh tender notification. The learned counsel submitted that the action on the part of the respondent is arbitrary and requires the interference of this Court.

4.Heard Mrs.AL.Ganthimathi, learned counsel for petitioner and Mr.C.Mohan for M/s. Kind and Patridge appearing on behalf of the respondent.

5.In the considered view of this Court, the parties are governed by the terms and conditions stipulated in the agreement dt. 30.12.2019. The request made by the petitioner to the respondent is more in the nature of a mercy petition and the respondent though it fit to reject the request made by the petitioner.

6.In the considered view of this Court, a writ of mandamus can be issued only where there is a legal right available to the petitioner. A legal right alone will give rise to a corresponding legal duty. In the absence of the same, this Court cannot issue any positive directions to the respondent. That apart, the parties are governed by an agreement and the respondent has strictly gone by the agreement. This Court is not able to find any illegality in the respondent, proceeding further to invite fresh applications through E-Tender process for the period subsequent to 30.11.2020. It is well within the rights of the respondent to issue such a tender.

7.In view of the above, this Court does not find any merit in this Writ Petition and accordingly the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KP
To

The Chief Executive Officer,
St.Thomas Mount cum Pallavaram Cantonment,
Having Office at: North Parade Road,
St.Thomas Mount,
Chennai 600 016.

+1 CC to M/s.A.L. Gandhimathi, Advocate sr 36546.

+1 CC to M/s. King and Partridge, Advocate sr 36216.

W.P.No15924 of 2020

UM(CO)
SP(10/12/2020)

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