



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.03.2020
CORAM

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

WEB COPY

W.P(MD).No.5804 of 2020
and
W.M.P(MD).Nos.5065 and 5066 of 2020

M.Muniyasamy Pandian

... Petitioner

Vs.

The Commissioner,
Second Grade Township,
Rameswaram, Ramanathapuram District.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned tender notice of the respondent in Na.Ka.No.A4/924/2016 dated 11.03.2020 published in the Daily Dhina Thanthi news paper on 12.03.2020 and quash the same and consequently direct the respondent to extend the period of 2020-2021 for the tourist cottage No.III situated at Rameswaram Bustand, Rameswaram, Ramanathapuram to the petitioner.

For Petitioner : Mr.R.Jegadeeswaran
For Respondent : Mr.M.Kannan

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner is the successful licensee to maintain the pilgrims Tourist Cottage No.II situated at Rameswaram Bus stand, Rameswaram. The license was granted to the petitioner on 21.03.2017. However, the possession was handed over only on 02.04.2018 and the period of licensee only for three years and the same was ended on 21.03.2020. Since the dwelling house was handed over to the petitioner after lapse of one year, without considering the said issue, the respondent has issued fresh impugned tender notice dated 11.03.2020. Aggrieved by the same, the petitioner has filed this petition to quash the impugned tender notice.

3.The learned counsel for the petitioner would submit that the petitioner has to pay one year due of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand only) to the tender and hence, if two weeks time is granted to the petitioner to deposit the said amount, he will pay and the respondent may also be directed to calculate the



loss sustained by the petitioner in the meanwhile. He would further submit that the petitioner may be permitted to participate in the fresh tender scheduled to be held on 27.03.2020.

4.The learned counsel appearing for the respondent would submit that though the petitioner took possession immediately after the tender dated 21.03.2017, however, a small portion occupied by the Tahsildar in dumping a free colour TV has not been allotted. However, the major portion was utilized by the petitioner and he had been continuing to enjoy the entire portion from the date of auction till the date of expiry of the license period. However, if the petitioner deposits the entire due amount to the Municipality, the Municipality will consider the petitioner's objection for non-utilization of the portion of the property and pass appropriate orders. He would further submit that the petitioner is entitled to participate in the impugned tender notification dated 11.03.2020.

5.In view of the above, the petitioner is directed to deposit a sum of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand only) on or before 07.04.2020. On receipt of the same, the respondent is directed to consider the petitioner grievance. Simultaneously, the Municipality has to conduct a fresh tender inviting prospective tenderers and pass orders in accordance with law. The petitioner is at liberty to participate in the tender scheduled to be held on 27.03.2020 or any future date fixed by the respondent.

6.With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Commissioner,
Second Grade Township,
Rameswaram, Ramanathapuram District.

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-12964[F]

+1 CC to M/s.M.KANNAN, Advocate (SR-12967[F]

W.P (MD) .No.5804 of 2020

24.03.2020

RMK

<https://hccs.courts.gov.in/Case/2P-4C>