



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.6045 of 2020

S. Suresh

... Petitioner

Vs.

1.The District Collector
Karur District, Karur.

2.The Additional Director of Panchayat (Admn),
Dindigul Zone, Dindigul.

3. The Executive Officer
Uppidamangalam Union Panchayat, Karur District.

4. K.Ravi ... Respondents

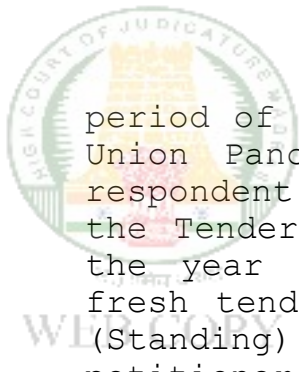
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the first respondent to direct the respondent No. 2 to 3 not to extend the period of collecting licence fee in weekly Market in Uppidamangalam Union Panchayat, Karur District beyond 31.03.2020 to the fourth respondent and to collect Income Tax and Goods and Service Tax on the Tender amount of Rs.61,02,002 from the fourth respondent for the year 2019-2020 and consequentially directing them to call for fresh tender/auction for a period of three (3) years as per GO (Standing) No.181 dated 19.09.2008 in Clause 3 (ii) by considering petitioner's representation dated 09.03.2020.

For Petitioner: Mr.A.Haja Mohideen

For R1 to R3 : Mr.V.Anand
Government Advocate

ORDER

This writ petition has been filed to direct the first respondent to direct the respondent Nos. 2 to 3 not to extend the
<https://hcservices.ecourts.gov.in/hcservices/>



period of collecting licence fee in weekly Market in Uppidamangalam Union Panchayat, Karur District beyond 31.03.2020 to the fourth respondent and to collect Income Tax and Goods and Service Tax on the Tender amount of Rs.61,02,002/- from the fourth respondent for the year 2019-2020 and consequentially, direct them to call for fresh tender / auction for a period of three (3) years, as per GO (Standing) No.181, dated 19.9.2008, in Clause 3 (ii), by considering petitioner's representation dated 09.03.2020.

2. Mr.V.Anand, learned Government Advocate takes notice for the respondents 1 to 3.

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

4. The petitioner, who is an unsuccessful bidder, is before this Court and according to him, the fourth respondent herein is a successive bidder in the Tender/ Auction, for the year 2019-2020 and it was granted to the fourth respondent and he has paid Rs.61,02,002/- (Rupees Sixty One Lakhs and Two Thousand only), but it is learnt that the Income Tax and GST, as per Clause -14 of the Tender Document was not paid by the fourth respondent till now. In the said circumstances, the extension of period to the fourth respondent should not be given after 31.03.2020 and fresh Tender / Auction should be conducted, by mentioning terms and conditions, by citing GO Standing No.181, dated 19.09.2008 and hence, the fourth respondent has no *locus standi* to continue the Tenure. In this regard, the petitioner has submitted a representation, dated 15.02.2020 before the third respondent and because of their inaction, the present petition came to be filed, for the aforesaid relief.

5. Though the petitioner seeks a larger relief, at the time of arguments, the learned Counsel appearing for the petitioner would submit that it would be suffice, if the representation of the petitioner, dated 15.02.2020, is disposed of by the respondents 1 to 3, on merits, as expeditiously as possible.

6. The learned Government Advocate appearing for the Respondents 1 to 3 would submit that, if reasonable time is granted to the respondents 1 to 3, appropriate orders will be passed on the representation of the petitioner, dated 15.02.2020.

7. In view of the above said submissions and also considering the limited scope of the relief now sought for by the petitioner, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the respondents 1 to 3, to consider the representation of the petitioner dated 15.02.2020, after affording opportunity to the fourth respondent and pass suitable orders on merits and in accordance with law, within a period of eight weeks



8. With the above observations, this writ petition is disposed of. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Crl.Side)

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The District Collector
Karur District, Karur.
- 2.The Additional Director of Panchayat (Admn),
Dindigul Zone, Dindigul.
3. The Executive Officer,
Uppidamangalam Union Panchayat,
Karur District.

W.P. (MD)No.6045 of 2020
24.03.2020

SDS (18.06.2020) 3P-4C