



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD)No.18087 of 2019

and

W.M.P. (MD)No.14543 of 2019

A.Vignesh

... Petitioner

Vs.

1.The Director General,
Highways Department,
No.76, Sardhar Patel Road,
Little Mount, Guindy,
Chennai-600 025.

2.The District Collector,
Collectorate,
Tiruchirappalli District,
Tiruchirappalli.

3.The Commissioner of Police,
Trichy City,
O/o. the Commissioner of Police,
Tiruchirappalli.

4.The Commissioner,
Tiruchirappalli Municipal Corporation,
54, Bharathidasan Salai,
Tiruchirappalli.

5.The Divisional Engineer,
Highways Department,
O/o the Divisional Engineer,
Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to put up signboards in street light poles, Tiruchirappalli Corporation Limit, Tiruchirappalli as per the permission granted by the Commissioner of Tiruchirappalli Corporation.

For Petitioner : Mr.Saravanakumar

For R1 to R3, R5 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For R4 : Mr.N.S.Karthikeyan



ORDER

The petitioner seeks for a direction to the respondents to permit the petitioner to put up signboards in street light poles, Tiruchirappalli Corporation Limit, Tiruchirappalli as per the permission granted by the Commissioner of Tiruchirappalli Corporation.

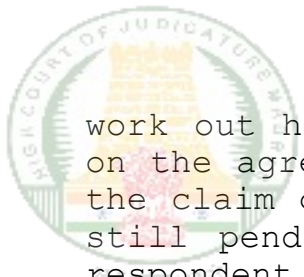
2.The petitioner is a contractor. The Trichy Corporation issued a tender notification inviting tenders from the eligible contractors.The license was granted to the petitioner to put up advertisement flex board in 2,455 street light poles for the period of one year and the same was confirmed by the Corporation in proceedings Na.Ka.No.F1/5447/2012/Center, dated 05.01.2015 and after completion of the formalities, the Commissioner of Trichy Corporation issued work order in Na.Ka.No.5447/2012/F1(Centre), dated 16.03.2015. The said period was expired. In this regard, the petitioner made a representation for granting license for further period. Subsequently, the fourth respondent issued notice dated 04.11.2016 directing the petitioner to pay the enhanced tender amount. Based on the aforesaid notice, the petitioner paid a sum of Rs.4,98,225 to the fourth respondent on 21.02.2017. Thereafter, the petitioner made a representation to reassess the tender amount. But the fourth respondent, without considering the said representation, is taking steps to cancel the tender issued in his favour. Aggrieved by the same, the petitioner approached this Court by way of filing W.P.(MD)No.7272 of 2017 and this Court had granted interim order.

3.According to the petitioner, the petitioner has sustained a huge loss to the tune of Rs.2,00,000/-. Therefore, he issued legal notice on 11.07.2019 to renew the licence for further period. Since no order has been passed, the petitioner has filed this writ petition before this Court.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 would submit that the license was granted to the petitioner in the year 2015 and subsequently, the said period was expired. Now the petitioner made a representation to the fourth respondent. Pending such representation, the petitioner approached this Court by way of filing this petition with the aforesaid prayer, which is not maintainable. He further submitted that the petitioner cannot have the legal right to seek further extension of period on payment of enhanced amount.

5.Heard the learned counsel on either side and perused the materials on record.

6. This Court is of the view that the petitioner cannot have the legal right for grant of license for further period, if any loss caused to the petitioner within the license period, he has to



work out his remedy for damages before the appropriate forum based on the agreement. Therefore, this Court has no hesitation to reject the claim of the petitioner. If the petitioner's representation is still pending before the fourth respondent, it is for the fourth respondent to consider the said representation in accordance with law. This Court will not express any opinion on the merits of the matter. The Writ Petition stands dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director General,
Highways Department,No.76, Sardhar Patel Road,
Little Mount, Guindy,Chennai-600 025.
 - 2.The District Collector,
Collectorate,Tiruchirappalli District, Tiruchirappalli.
 - 3.The Commissioner of Police,Trichy City,
O/o. the Commissioner of Police,Tiruchirappalli.
 - 4.The Divisional Engineer,Highways Department,
O/o the Divisional Engineer,Tiruchirappalli.
- +1 CC to M/s.GP (SR-14317[F] dated 18/08/2020)

W.P. (MD)No.18087 of 2019
17.08.2020

AP(02/09/2020) 3P 6C