



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9537 of 2017

and

W.M.P(MD)No.7272 of 2017

A.Vignesh

... Petitioner

Vs.

1.The State represented by the
Principal Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai-9.

2.The Director of Municipal Administration,
Chepauk, Chennai-600 005.

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

... Respondents

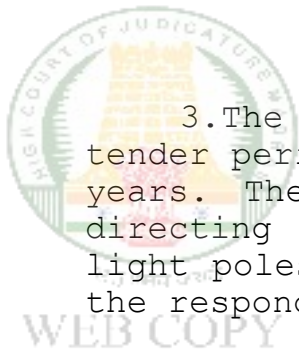
Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to ascertain the total number of street light polls are fit for affixing the small advertisement flex board and re-assess the tender amount in respect of right to collect fee for displaying the advertisement boards in street light poles, Tiruchirappalli Corporation Limit, Tiruchirappalli and consequently, direct the respondents to reimburse or adjust the tender amount already paid by the petitioner for the extension of subsequent period.

For Petitioner	: Mr.M.Saravanakumar
For R1 & R2	: Mr.M.Rajarajan Additional Government Pleader
For R3	: Mr.N.S.Karthikeyan

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 and R2 and the learned standing counsel appearing for the third respondent Municipal Corporation.

2.The third respondent invited tenders from the eligible contractors for right to collect fee for displaying advertisement flex boards in 2455 street light poles.



3.The petitioner was the successful tenderer. The petitioner's tender period commenced on 16.03.2015. It was for a period of three years. The petitioner filed this writ petition in May 2017 for directing the respondents to ascertain the total number of street light poles that are fit for displaying the flex boards. He wanted the respondents to reassess the amount payable by him.

4.When the matter was taken up for hearing before me, I felt that a joint inspection by the petitioner and the third respondent would narrow down the scope of controversy. Based on the suggestion given by the Court, a joint inspection was conducted. The report has also been filed.

5.It is seen that only 764 polls have been functional. Therefore, in the very nature of things, readjustment of the petitioner's liability is required. It is basically a counting exercise. The third respondent is directed to reassess the amount payable by the petitioner and pass orders within a period of four weeks from the date of receipt of a copy of this order.

6.The learned standing counsel points out that license period had expired and that the petitioner has been continuing for 2 ½ years thereafter by virtue of the interim order granted by this Court. Therefore, the exercise should cover the entire period. I must certainly sustain this contention.

7.The Writ Petition stands allowed on this lines. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

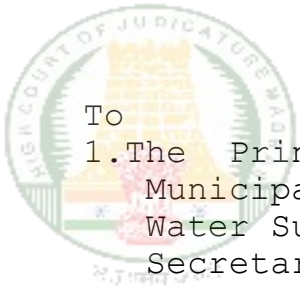
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Sub Assistant Registrar(CS)

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 Principal Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai-9.

2.The Director of Municipal Administration,
Chepauk, Chennai-600 005.

+1 CC to M/s.GP (SR-16398[F] dated 09/09/2020)

+1 CC to M/s.M. SARAVANAKUMAR, Advocate (SR-16453[F] dated
10/09/2020)

W.P. (MD)No.9537 of 2017

AP(22/09/2020) 3P 5C