

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.02.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.1856 of 2021

and

WMP Nos.2092 & 2093 of 2021

A.Thangaraj Petitioner

vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Assistant Director of Town Panchayats,
Salem Region,
Collectorate Campus,
Namakkal District.

3. Executive Officer,
Senthamangalam Selection Grade Town Panchayat,
Namakkal District Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned Notification issued by the third respondent in Na.Ka.No.20/2021/A2 dated 12.01.2021 (served on 23.01.2021) and to quash the same insofar as item No.1 relates to weekly shandy is concerned and consequently directing the respondents to grant extension of lease/licence in favour of the petitioner to collect fee from Weekly Shandy for the year 2021-22, based on the representation submitted by the petitioner on 19.12.2020.

For Petitioner ... Mr.G.Sankaran

For Respondents 1&2 ... Mr.D.Venkatesan
Govt.Advocate

For 3rd Respondent ... Mr.R.Jayaprakash Narayanan
Government Pleader

ORDER

The matter is taken up through web hearing.

This Writ Petition is filed as against the impugned auction notification dated 12.01.2021, in and by which, the 3rd respondent Town Panchayat has fixed the auction for collection of toll charges in the weekly market on 29.01.2021.

2. The grievance of the petitioner is that he is the successful bidder for collection of toll charges in the Weekly Market for the period from 2018 to 2021. The respondents have also collected the lease amount for the entire period in advance, but in view of the recent pandemic situation and the lock down announced by the Government, the said Market was closed and therefore, the petitioner was deprived from collecting the toll charges during the lock down period. Hence, the petitioner made a representation dated 19.12.2020 to the 3rd respondent either to refund the lease amount which has been already deposited by him for the non-operation period or to extend the period of lease. But without considering the said representation, the respondents have called for auction vide impugned notification dated 12.01.2021.

3. Though this writ petition is filed as against the notification dated 12.01.2021, Mr.G.Sankaran, learned counsel for the petitioner now confines his relief that the 3rd respondent shall consider his representation with regard to the refund of money for the non-operation period or to extend the lease period.

4. Mr.D.Venkaesan, learned Government Advocate takes notice for the 1st and 2nd respondents. Mr.R.Jayaprakash Narayanan, learned Government Pleader takes notice for the 3rd respondent.

5. Considering the facts and circumstances of the case and since the petitioner has confined the relief to consider his representation and also taking note of the fact that the auction which was proposed on 29.01.2021 is postponed to 11.02.2021, this Court is inclined to dispose of the writ petition with a direction to the 3rd respondent to take a decision on the representation submitted by the petitioner dated 19.12.2020, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Accordingly,

this Writ Petition is disposed of. No costs. Consequently,
connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The Assistant Director of Town Panchayats,
Salem Region,
Collectorate Campus,
Namakkal District.
- 3.The Executive Officer,
Senthamangalam Selection Grade Town panchayat,
Namakkal District

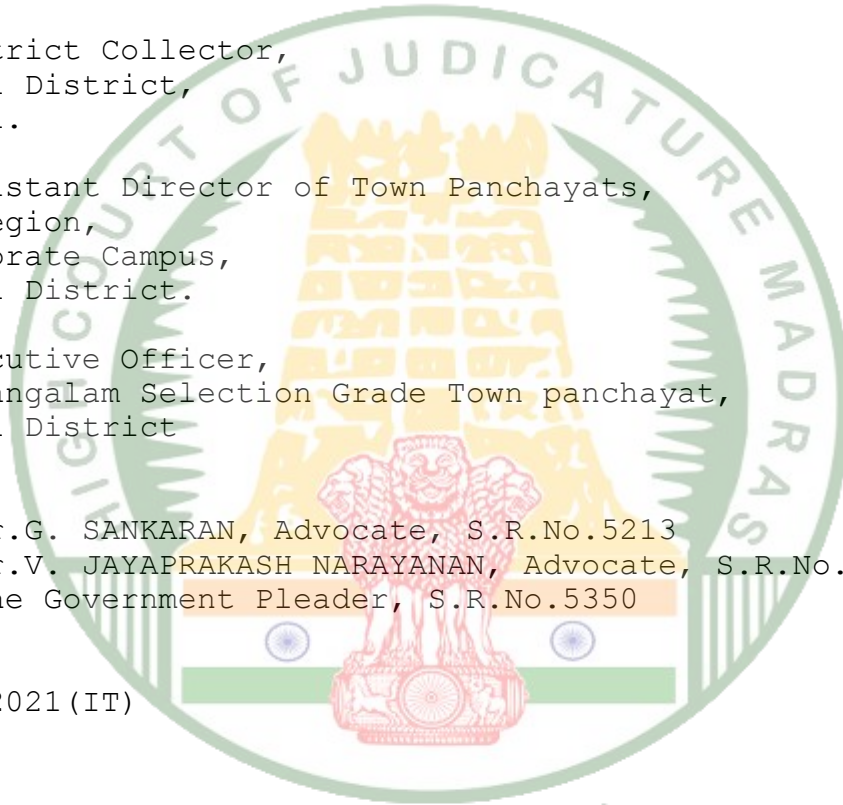
+1cc to Mr.G. SANKARAN, Advocate, S.R.No.5213

+1cc to Mr.V. JAYAPRAKASH NARAYANAN, Advocate, S.R.No.5230

+1cc to the Government Pleader, S.R.No.5350

SRA (CO)

SM/19/02/2021 (IT)



सत्यमेव जयते

W.P.No.1856 of 2021

WEB COPY