

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10/2/2021

C O R A M

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WRIT PETITION NO.2842 OF 2021

R.Durairamasamy

... Petitioner

Vs

1. The District Collector
Development Section
Salem District,
Salem 1.
2. The Assistant Director of Rural
Development Department
(Village Panchayats)
Office of the Collectorate
Salem District,
Salem 1.
3. The Block Development Officer (VP)
Tharamangalam Panchayat Union
Tharamangalam Post
Omalur Taluk
Salem District 636 502.
4. The Village Panchayat President
Pappampadi Village Panchayat
Taramangalam Panchayat Union
Omalur Taluk,
Salem District 636 306

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to extend the period of lease to collect fees/toll in the daily shandy at Pappampadi Village Panchayat, Taramangalam Panchayat Union, Omalur Taluk, Salem District to the petitioner for further two years from 1/4/2021 to 31/3/2023, as per G.O.Ms.No.92 MAWS Department, dated 3/7/2007.

For petitioner ... Mr.K.Raja
For respondents ... Mr.Ps.Sivashanmuga Sundaram
Special Government Pleader

O R D E R

This Writ Petition has been filed to direct the respondents to extend the period of lease to collect fees/toll in the daily shandy at Pappampadi Village Panchayat, Taramangalam Panchayat Union, Omalur Taluk, Salem District to the petitioner for a further two years from 1/4/2021 to 31/3/2023, as per G.O.Ms.No.92 MAWS Department, dated 3/7/2007.

2. The case of the petitioner is that he has participated in the auction conducted by the respondent Panchayat for collection of toll charges for daily shandy at Pappampadi Villlage, on 9/9/2020 and he has been declared as a successful bidder to collect the toll charges from 1/4/2021 to 31/3/2023. He has also paid the bid amount of Rs.5,35,500/- together with GST amount. According to him, the bid amount in the year 2014 was Rs.1,08,448/- and in the year 2015, it was Rs.1,13,327/- and in the year 2016, 2017, 2018, bid amount was less than Rs.1,25,000/-. But in this year, it went upto Rs.8,93,690/- more than the amounts of the previous years and therefore, he suffered a huge loss in the collection of toll charges and therefore he made a request for considering his case for extension of lease for a further period as per G.O.Ms.No.92, MAWS Department, dated 3/7/2007, by increasing the lease amount by 15%.

3. The learned counsel appearing for the petitioner has relied upon the orders of this Court made in W.P.No.4784 of 2015, which would not be applicable to the facts and circumstances of this case.

4. Mr.Ps.Sivashanmuga Sundaram, learned Special Government Pleader appearing for the respondents would submit that the petitioner has participated in the tender flouted by the respondents. During the pandemic period, the respondents have never compelled him to take this market. The petitioner had participated in the tender and calculating his business risk, he quoted the huge amount. When this petitioner could not succeed for this year in doing business, there is no logic in asking for 15% hike in continuing the market.

5. The data furnished by the petitioner itself prove that periodically the toll charges have been increasing and this tender has been flouted only for a specific period i.e., from 1/4/2021 to 31/3/2022 and therefore, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mvs.

To

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Taramangalam Panchayat Union
Omalur Taluk, Salem District 636 306.

+1cc to Mr.K.Raja, Advocate, S.R.No.7304

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AAB(CO)
CS/12/03/2021