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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.14818 of 2021

and

WMP No.15690 of 2021

V.Ravichandran

..Petitioner

.Vs.

- 1.The Secretary to Government,
Rural Development Department,
The State Government of Tamilnadu,
Secretariat, Chepauk,
Chennai 600 005.
- 2.The District Collector,
Collectorate of Ariyalur District,
Ariyalur,
Ariyalur District.
- 3.The Assistant Director,
Rural Development and Auditing Department,
Ariyalur,
Ariyalur District.
- 4.The Block Development Officer,
Office of the Panchayat Union,
Jayankondam,
Ariyalur District.
- 5.The President,
Gangaikondacholapuram Village Panchayat,
Panchayat Board Office,
Gangaikondacholapuram,
Ariyalur District.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 4th and 5th respondents to extent bid period based on petitioner representation dated 05.07.2021, within a time frame fixed by this Court.



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For Petitioner : Mr.M.Kavikannan
For Respondents : Mr.U.Baranidharan
Government Advocate
for R 1 to R 3

Mr.V.Veluchamy
for R 4 & R 5

ORDER

This Writ Petition on has been filed for the issue of a Writ of Mandamus, directing the 4th and 5th respondents to consider the representation made by the petitioner on 05.07.2021, wherein, the petitioner has sought for extension of the license period which ended on 30.10.2020.

2.The case of the petitioner is that he had participated in the auction that was conducted during the year 2019-2020, for collecting vehicle parking fees inside the Temple. The further case of the petitioner is that he was the successful bidder and the petitioner was granted license for the period from 01.11.2019 to 31.10.2020. It is stated that the petitioner has already paid the entire license fees to the 5th respondent. The petitioner was able to effectively collect the parking fees only for a period of three months and after March 2020, due to lock down, the Temple was closed and the petitioner was not able to collect any parking fees.

3.In view of the above, the petitioner had made a representation on 05.07.2021, to the 4th and 5th respondents to extend the license period. Since the same was not considered, the present Writ Petition on has been filed before this Court seeking for appropriate directions.

4.Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

5.In the considered view of this Court, various writ petitions were filed before this Court seeking for similar reliefs and this Court was not able to entertain those writ petitions on the ground that it is the State which has to take the policy decision regarding the extension of lease or license period by taking into account the lock down period and it is not for the Court exercising its jurisdiction under Article 226 of the Constitution of India to issue such directions. In fact, in a batch of writ petitions in Madurai, when such orders were passed, it became a subject matter of the challenge before the Division Bench and the Division Bench has stayed the directions



issued by the learned Single Judge. In all the cases, the relevant Corporations or panchayat or municipalities are proceeding further to issue fresh tender notifications for the purpose of granting lease or license as the case may be.

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6. The learned counsel appearing on behalf of the 4th and 5th respondents submitted that the panchayat had taken a decision to proceed further and issue a tender notification for the purpose of granting license and therefore there is no question of extending the license period. The specific stand taken by the learned counsel for the 4th and 5th respondent is taken note of.

7. In view of the above, this Court is not in a position to grant the relief as sought for by the petitioner. If the petitioner has incurred any loss due to the lock down period, it is left open to the petitioner to independently workout his remedy before the competent court in the manner known to law. It will always be open to the petitioner to participate in the auction as and when a notification is issued by the 5th respondent.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Rural Development Department,
The State Government of Tamilnadu,
Secretariat, Chepauk,
Chennai 600 005.

2. The District Collector,
Collectorate of Ariyalur District,
Ariyalur,
Ariyalur District.



3.The Assistant Director,
Rural Development and Auditing Department,
Ariyalur,
Ariyalur District.

4.The Block Development Officer,
Office of the Panchayat Union,
Jayankondam,
Ariyalur District.

5.The President,
Gangaikondacholapuram Village Panchayat,
Panchayat Board Office,
Gangaikondacholapuram,
Ariyalur District.

+2ccs to Mr.M.Kavikannan, Advocate Sr No.38291

+1cc to the Government Pleader Sr No.38468

W.P.No.14818 of 2021

JPL (CO)
PR (25/08/2021)