



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.17048 of 2021

Suresh

.. Petitioner

Vs.

The Commissioner,
Tindivanam Municipality,
Villupuram District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the impugned notification dated 26.7.2021 approved by resolution No.286 on the file of the respondent calling tender/public auction for right to collect charges on various places of the respondent municipality and quash the same.

For the Petitioner : Mr.C.Munusamy

For the Respondent : Mr.P.Srinivas
Standing Counsel

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Several purported anomalies were sought to be indicated on behalf of the petitioner in respect of the steps taken by the Tindivanam Municipality to invite bids for collecting licence fees on its behalf in certain cases.

2. It was perceived by this court, while passing the order dated August 16, 2021, that the licence fees had not been indicated and, as such, the exercise of identifying highest



bidders may have been meaningless. However, the counter-affidavit filed by the Commissioner of Tindivanam Municipality deals with all aspects of the matter and relies on the schedule of rates published in a booklet issued in such regard for collecting licence fees from the relevant persons.

3. It is evident from the affidavit and the documents appended thereto that, broadly speaking, there are five categories of shops or public utilities that require licence fees to be paid: by buses for using the bus stand; by slaughterhouses; for availing pay and use toilets; for having shops in the OPR Park; and, for having shops in the Chairman Vaithiyalingam Vegetable Market.

4. The counter-affidavit reveals that no bids were received for collecting the licence fees from buses at the bus stand. It also appears that the process of receiving bids for slaughterhouses has been cancelled because of the apparent mistakes in the instructions issued or booklet published. The highest bids have been indicated for collection of licence fees in respect of pay and use toilets; shops in the OPR Park; and, shops in the Vaithiyalingam Vegetable Market. It is submitted on behalf of the municipality that in respect of the Vaithiyalingam Vegetable Market, a subsequent bid has been received which is much higher than the highest bid recorded in the affidavit.

5. The documents relied upon by the municipality reveal a schedule of rates at item No.17 of page 19 of such papers. The rates differ from the licence fees to be charged for shops in certain areas and other activities.

6. One of the grievances now raised by the petitioner is that individuals are supposed to pay 50 paisa, but there is no coin in vogue less than one rupee at the moment.

7. As to what the rates of licence fees should be, would a matter within the exclusive domain of the municipality and the court will not usually interfere in such matter unless the rate is shown to be absurd. As to the indication of 50 paisa as licence fee for parking a cycle by an individual, it is the one-time use which has been indicated to be 50 paisa and there is no doubt that there will be multiple uses by individuals in such regard and payments would be made on a collective basis rather than on individual occasions. At any rate, it is for the highest bidder to formulate how to obtain the stipulated licence fees from the relevant persons and it may not be a matter with which the petitioner can be reasonably concerned with.

8. Since the procedure adopted appears to be fair,



transparent and without any anomaly, no order is called for on the present petition. It is, however, recorded that a fresh bidding process may be undertaken to identify the person who would obtain licence fees from buses at the bus stand and also the persons who would collect licence fees from slaughterhouses and from shops at the Vaithiyalingam Vegetable Market.

9. The municipality should display the licence fees charged from individual categories of persons as shown at item No.17 at page 19 of its counter-affidavit by way of boards put up at prominent places so that the rates fixed by the municipality may be charged by the highest bidders and not arbitrary rates.

W.P.No.17048 of 2021 is disposed of. There will be no order as to costs. W.M.P.Nos.18079 and 18080 of 2021 are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To:

The Commissioner,
Tindivanam Municipality,
Villupuram District.

W.P.No.17048 of 2021

RGN(CO)
SU(03/09/2021)