

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HON-BLE MR.JUSTICE C.SARAVANAN

W.P.No.21135 of 2017

(Through Video Conferencing)

Gandhi Trust,
Rep. by its Secretary,
K. Jagadeeswaran,
S/o.Konkalianna Gounder,
55, Cutchery Street,
Gobichettipalayam,
Erode District.

... Petitioner

Vs.

The Commissioner,
Gobichettipalayam Municipality,
Gobichettipalayam,
Erode District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the representation dated 09.05.2017 sent by the petitioner within stipulated time.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.Y.Parthasarathy,
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner to direct the respondent to consider the representation dated 09.05.2017 of the petitioner.

2. By the aforesaid representation dated 09.05.2017, the petitioner has requested the respondent to grant lease to maintain the Crematorium. It is further submitted that the petitioner will provide free service at Crematorium to the public. It is submitted that for the reasons best known to the respondent, the said representation of the petitioner has not been disposed of. Therefore, the petitioner has filed this Writ Petition.

3. The respondent in its counter has submitted that the respondent municipality will invite applications as and when the current lease expires on 05.07.2018 and it is open for the petitioner to submit application at that time. Relevant portion of the counter in paragraph Nos.6 and 7 is reproduced below:-

6. Even though the agreement was entered into on 21.03.2005, the maintenance work was entrusted to Guide Trust only on 06.07.2008 and therefore, from 06.07.2008, the maintenance work was entrusted to them for a period of ten years and the period ends only on 05.07.2018. Therefore, it is submitted that the lease granted in favour of the said Guide Trust is subsisting as on date.

7. However, it is needless to mention that when the period of agreement with the existing contractor ends on 05.07.2018 or before the said date, the Municipality will invite application and at that time, it is open to the petitioner to submit his application and same will be considered along with other applications.

4. However, till date, fresh application has not been called for to grant lease for subsequent period contrary to the stand in the counter affidavit filed by the respondent though the work order issued to the Guide Trust has expired on 05.07.2018. The learned counsel for the respondent confirms that no fresh application has been so far called for.

5. Considering the same, I direct the respondent to call for the fresh applications in terms of their stand in paragraph Nos.6 & 7 of the counter affidavit dated 13.09.2017 within a period of three months from the date of receipt of a copy of this Order.

6. Accordingly, this Writ Petition stands disposed of. No cost.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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Notes:-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

The Commissioner,
Gobichettipalayam Municipality,
Gobichettipalayam,
Erode District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.1775.

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RGN(CO)
CSR 19.03.2021