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W.P.(MD)NO.790 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 790 of 2021 and

W.M.P. (MD) Nos. 651 & 652 of 2021

I. Arjun

... Petitioner

Vs.

1. The District Collector/
(Disaster Management Department),
Dindigul District.

2. The Commissioner,
Oddanchatiram,
Municipality,
Dindigul District.

... Respondents
in both petitions

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned tender notice by the second respondent in Na.Ka.No.1015/2017/E1 dated 29.12.2020 inviting for public tender auction to be held on 21.01.2021 and quash the auction in so far with respect to serial No.7(Ginger Barbi Plate sales in Oddanchatiram Bus stand) and consequently direct the second respondent to extend the petitioner's present contract/lease period for the same Ginger Barbi sales in bus stand for one year from 01.04.2021 on account of Covid-19 pandemic lock down without payment of amount.

For Petitioner : Mr.M.S.Suresh Kumar
For Respondents : Mr.L.P.Mouriya

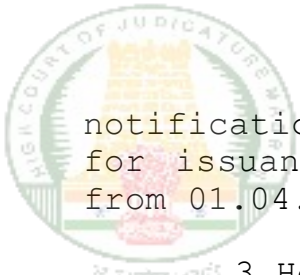
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O R D E R

Heard the learned counsel on either side.

2.The petitioner took part in the auction conducted by the second respondent for granting license for sale of Ginger burfi in Oddanchatiram bus stand. The license in favour of the petitioner was granted on 25.01.2018. It is a three year license. However, for the period from 22.03.2020 to 01.10.2020, sales could not be conducted in view of the lock down restrictions imposed by the Government. The petitioner, therefore, seeks corresponding extension of the license period. He, therefore, challenges the impugned

<https://hcservices.ecourts.gov.in/hcservices/>



notification, whereby, auction is proposed to be held on 21.01.2021 for issuance of the license for the three year period commencing from 01.04.2021.

3. However, the fact remains that the petitioner was frustrated from enjoying the license on account of the measures announced by the Government. Therefore, the proportionate license fee will have to be refunded to the petitioner immediately and without delay.

4. The learned Standing Counsel states that the Government Order has been issued in this regard and that therefore, the petitioner may be permitted to give a representation which would be considered in the light of the orders already issued by the Government.

5. The learned counsel appearing for the petitioner would point out that he had already given a representation in this regard.

6. Even while declining to interfere with the impugned notice, I direct the second respondent to refund the proportionate license amount to the petitioner immediately and without any delay. The petitioner is permitted to participate in the auction to be held on 21.01.2021. The writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note: 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:

1. The District Collector/
(Disaster Management Department),
Dindigul District.



2. The Commissioner,
Oddanchatiram,
Municipality,
Dindigul District

+1 CC to M/s.GP (SR-1396[F] dated 20/01/2021)

+2 CC to M/s.L.P.MAURYA, Advocate (SR-1309[F], (SR-1433[F]) dated
20/01/2021)

W.P. (MD) No. 790 of 2021
19.01.2021

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