



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1881 of 2021

and

W.M.P.(MD)No.1622 of 2021

WEB COPY

J.Abdul Rahim

... Petitioner

-Vs-

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Welfare Officer,
(Person with disabled),
Collectorate,
Sivagangai,
Sivagangai District.

3.The Assistant Director of Town Panchayat,
Sivagangai,
Sivagangai District.

4.The Executive Officer,
Town Panchayat,
Thiruppathur,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the fourth respondent in Na.Ka.No.m4/105/2020, dated 18.12.2020 and quash the same and further, direct the fourth respondent to allot the shop at Thiruppathur Bus Stand, Sivagangai District.

For Petitioner : Mr.T.S.Mohammed Mohideen
for Mr.V.Manikandan

For R4 : Mr.G.Arjunan
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and learned Government Advocate appearing for the fourth respondent panchayat. Considering the nature of relief to be granted, notice to the respondents 1 to 3 is dispensed with.

2.The fourth respondent has issued a tender notification dated 22.12.2020 for allotting the shops in the bus stand. The petitioner is a physically challenged person. One Shop No.39 has been earmarked for the physically challenged candidate. The petitioner



states that he alone is a genuine candidate and that proxy are being entertained. At this stage, this Court will not be in a position to go into said allegation.

3.The learned Government Advocate for the fourth respondent Panchayat categorically asserts that auction will be conducted among the physically challenged person for the said shop and the highest bidder will be given the license. He makes it clear that the Panchyat will ensure that only a genuine candidate is given the license. In other words, the successful bidder, who will be a physically challenged candidate in respect of this shop, can alone run the shop and he cannot run it through any proxy. In other words, the learned Government Advocate assures this Court that the Executive Officer of the Town Panchayat will ensure that the successful licensee does not act benami for any other contractor.

4.Recording the submission of the fourth respondent, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Sivagangai,
Sivagangai District.

2.The District Welfare Officer,
(Person with disabled),
Collectorate,
Sivagangai,
Sivagangai District.

3.The Assistant Director of Town Panchayat,
Sivagangai,
Sivagangai District.



4.The Executive Officer,
Town Panchayat,
Thiruppathur,
Sivagangai District

+1 CC to M/s.SPL GP (SR-3498[F] dated 05/02/2021)

+1 CC to M/s.V.MANIKANDAN, Advocate (SR-3719[F] dated 08/02/2021)

W.P. (MD)No.1881 of 2021
04.02.2021

DKS (CO)
KB(22.02.2021) 3P 7C