



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.2611 of 2021

and

W.M.P. (MD) Nos.2148 and 2149 of 2021

Suresh Kumar

... Petitioner

Vs.

The Commissioner,
Sivagangai Municipality,
Sivagangai,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned tender notification issued by the respondent in Na.Ka.No.3041/2020/A1 dated 19.01.2021 and quash the same and consequently directing the respondent to extend the period of tender of Slaughter House, Sivagangai Municipality to the petitioner for another one year.

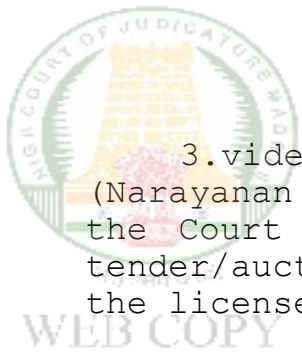
For Petitioner : Mr.Arun Swaminathan.RM

For Respondent : Mr.J.Lawrance,
Standing Counsel.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondent. With the consent of the learned counsel on either side, the writ petition is taken up for disposal at the admission stage itself.

2.The petitioner was granted license to collect charges from the users of the slaughter house belonging to the respondent/municipality. The license period commenced on 28.03.2018 and expires on 31.03.2021. The petitioner had paid the license fee for the entire period. There is no dispute regarding that. The petitioner challenges the impugned notification, whereby it is proposed to hold a fresh auction for conferring the license for the subsequent period commencing from 01.04.2021.



3.vide order dated 01.02.2021 made in W.P.(MD)No.19596 of 2020 (Narayanan Vs. Government of Tamilnadu and Others), I had held that the Court will not restrain the local body from holding a fresh tender/auction but it would direct proportionate waiver/refund of the license fee.

4.There is no dispute that the slaughter house in question remained closed from 24.03.2020 to 30.09.2020. During the said period, the petitioner could not collect user charges. Therefore, following the aforesaid order, I direct the respondent to proportionately refund the license fee already paid by the petitioner. This shall be done within a period of six weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Cr1)

// True Copy //

/ /2021

Sub Assistant Registrar

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.

+1 CC to Mr.J.LAWRANCE, Advocate (SR-5261[F] dated 16/02/2021)

Order made in
WP(MD)No.2611 of 2021 and
WMP(MD)Nos.2148&2149 of 2021
15.02.2021

IAS
SRS/01.03.2021/2P/2C