



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.02.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.3406 of 2021

and

W.M.P. (MD) Nos.2763, 2766 and 2767 of 2021

Mani Maruthu

... Petitioner

-vs-

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai.

2.The District Collector cum Inspector of Panchayat,
District Collectorate,
Ramnad District.

3.The Assistant Director of Panchayat,
Kamuthi Selection Grade Town Panchayat,
Kamuthi,
Ramnad District.

4.The Executive Officer,
Kamuthi Selection Grade Town Panchayat,
Kamuthi,
Ramnad District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records in connection with the impugned tender notification dated 08.02.2021 issued by the fourth respondent and quash the same and consequently direct the fourth respondent to extend the period of lease in favour of the petitioner in order to compensate the loss occurred due to non-functioning of weekly market due to Covid-19 within the time frame that may be fixed by this Court.

For Petitioner	: Mr.Niranjana S. Kumar
For Respondents	: Mr.R.Murugan
1 to 3	Additional Government Pleader
For Respondent 4	: Mr.P.Kannithevan

ORDER

According to the petitioner, he has been working as a Contractor and has been a successful tenderer in many local bodies/Panchayats for executing various projects/works. For 2018 to 2021, the fourth respondent called for tender in which the petitioner participated and was declared as a highest bidder and



tender was awarded in his favour. The work order was issued by the fourth respondent by his proceedings dated 28.03.2018. The petitioner had also deposited a sum of Rs.5,90,000/- for the period of 2018-2019 and similar amounts for the subsequent years.

2. According to the petitioner, he has been undertaking the work without any complaints, whatsoever. In view of the national lock-down in 2020, the petitioner appears to have suffered a financial loss as the project undertaken by him could not be continued due to the lock-down. The petitioner's grievance is that for 28 weeks, the weekly market was closed and therefore, he has submitted a representation on 07.12.2020 and requested the authority to extend 28 weeks in order to enable the petitioner to recover the loss suffered by him during the lock-down period.

3. The petitioner in this regard, appears to have approached this Court recently in W.P.(MD) No.1439 of 2021 against the rejection of the extension of 28 weeks sought by the petitioner. The said Writ Petition was finally heard on 29.01.2021 and the matter was also reserved for orders and the orders were not pronounced.

4. While the matter stood thus, the petitioner has come up with the present Writ Petition challenging the notification dated 08.02.2021 of the fourth respondent proposing to conduct the auction for the years 2020-2021 in respect of four items of the work related to the weekly market for which the petitioner has sought extension of his licence period which is the subject matter of the above said Writ Petition.

5. This Court is not inclined to entertain this Writ Petition for the simple reason that unless the orders are known pertains to the Writ Petition in W.P.(MD) No.1439 of 2021, no orders could be passed in this matter.

6. Even otherwise, this Court is of the view that the earlier Writ Petition would very well protect the interest of the petitioner, in case the same is allowed. In which event, there may not be any necessity for filing of the present Writ Petition. The right of the petitioner and his claim as against the fourth respondent would depend on the outcome of the Writ Petition. Unless that is made known, this Writ Petition cannot be entertained at all. Therefore, it is for the petitioner to wait for the pronouncement of the orders in the Writ Petition and thereafter, he can work out his remedies in the manner known to law. Without disposal of the above-said Writ Petition, the present Writ Petition is a needless



multiplicity of proceedings for the same grievance of the petitioner.

7. For the above said reason, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-7002[F] dated 24/02/2021)

+1 CC to M/s.SPL GP (SR-7344[F] dated 25/02/2021)

W.P. (MD) No.3406 of 2021
23.02.2021

AC (CO)

KB(17.03.2021) 3P 7C