



WEB COPY

W.P.(MD).No.10384 of 2021

J.Eshwar v.The Director of Municipal Administration

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10384 of 2021

J.Eshwar

... Petitioner

Vs.

1.The Director of Municipal Administration,
M.R.C.Nagar,
Raja Annamalaipuram,
Santhom High Road,
Chennai-600 028.

2.The Commissioner,
Karaikudi Municipal Office,
Karaikudi-630 001,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order of auction notice issued by the 2nd respondent in Na.Ka.No.4873/2020/21, dated 09.06.2021 in conducting the Tender cum Public Auction pertaining to the license for collecting fee in the Anna Daily market at Karaikudi belonging to the 2nd respondent, quash the same and consequentially direct the respondents to grant exemption for the non-collected period from 17.05.2021 to till date by virtue of the Covid-19 situation and Lockdown.

For Petitioner : Mr.P.Deepak

For Respondent No.1 : Mr.M.Lingadurai
Government Advocate

For Respondent No.2 : Mr.P.Mahendran

ORDER

This writ petition has been filed challenging the Tender notification issued by the second respondent dated 09.06.2021 and for a consequential direction to extend the license for the period during which there was a lock down.

2. When the matter was taken up for hearing on 22.06.2021, the following order was passed by this Court.



"The tender notification issued by the second respondent was challenged mainly on the ground that the Anna daily market licence is going to be given to the highest bidder with effect from 01.04.2021 and whereas the license period of the petitioner was already extended from 01.04.2021 to 30.06.2021 and even before the expiry of this period, the second respondent is proceeding further with the auction.

2. The learned standing counsel appearing on behalf of the second respondent submitted that the work order will not be issued to the highest bidder before the expiry of the license period that was extended to the petitioner up to 30.06.2021. The learned counsel further submitted that the petitioner can also participate in the auction.

3. The second respondent is directed to proceed further with the auction and accept the bids. The same shall be kept in abeyance till 28.06.2021 insofar as Anna daily market is concerned.

4. Call this matter on 28.06.2021 at 2.15 p.m."

3. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the second respondent submitted that there was no participation on the date of auction and hence the same was closed without any further intimation. The learned counsel appearing on behalf of the second respondent further submitted that the license period of the petitioner will be extended for two months from the date of lifting of the lock down. The learned counsel further submitted that the petitioner was granted extension of license period from 01.04.2021 to 30.06.2021 only after taking into consideration the fact that the auction was not able to be conducted immediately after the expiry of the license period. The learned counsel therefore submitted that eventhough the license period was extended, there was a subsequent lock down and hence to compensate for this period, the license of the petitioner is extended for a further period of two months from the date on which lock down is lifted.

4. It was further submitted by the learned counsel for the second respondent that the second respondent will proceed further with the auction after 30.06.2021 and will choose the highest bidder and the work order will be issued to the highest bidder after the expiry of the extended period given to the petitioner.



5. In view of the specific stand taken by the second respondent, the same is hereby recorded and this writ petition is disposed of accordingly. No Costs.

Sd/-

Assistant Registrar

// 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 Director of Municipal Administration,
M.R.C.Nagar,
Raja Annamalaipuram,
Santhom High Road,
Chennai-600 028.

2.The Commissioner,
Karaikudi Municipal Office,
Karaikudi-630 001,
Sivagangai District.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-20512[F] dated 29/06/2021)

+1 CC to M/s.F.DEEPAK, Advocate (SR-20612[F] dated 30/06/2021)

+1 CC to M/s.SPL GP (SR-20704[F] dated 30/06/2021)

W.P. (MD) .No.10384 of 2021

28.06.2021

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