



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1466 of 2021

and

C.M.P (MD) .Nos.5997 and 5998 of 2021

M.Pandi

... Appellant/Petitioner

Vs.

1. The Commissioner of Municipal
Administration,
Santhome High Road,
Raja Annamalaipuram,
Chennai.
2. The Commissioner,
Madurai Municipal Corporation,
Madurai.
3. The Commissioner of GST and
Central Excise,
Central Revenue Buildings,
B.B.Kulam, Madurai-2.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.11570 of 2021, dated 13.07.2021.

Prayer in WP(MD)No. 11570/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondents to extend petitioner's license of collecting fee from the users of women's toilet situated in Platform no. 4, in MGR Bus Stand, Madurai for a further period in lieu of repayment of GST amount collected from the petitioner which is against the circular dt 3.5.2017 in Circular no. 1305/2016/D2 of the 2nd respondent and Notification dt 28.6.2017 in notification no. 12/2017-Central Tax (Rate).

For Appellant : Mr.S.Ramsundar Vijayraj

For Respondents : Mr.R.Murali



J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.S.Ramsundar Vijayraj, learned counsel appearing for the appellant and Mr.R.Murali, learned counsel appearing for the respondents.

2. The appellant filed the writ petition to direct the respondents to extend his license period for collecting fee from the users of the women's toilet situated in Platform No.4 in MGR Bus Stand, Madurai, for a further period. The writ petition has been dismissed and hence, the appellant is before us.

3. Admittedly, the period of license came to an end on 31.05.2021 and on account of the intervening election, the license was extended by the respondent-Corporation, till 30.06.2021. Thereafter, it was once again extended till 31.07.2021, on the ground that time was required to be notified for a fresh auction. The fresh auction was notified to be held on 27.07.2021.

4. In such circumstances, there is no vested right in favour of the appellant to seek for extension of license period. Hence, we find there is no error in the order passed in the writ petition.

5. Accordingly, this Writ Appeal is dismissed. We give liberty to the appellant to participate in the auction, which is to be held on 27.07.2021 or on any other subsequent date. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Commissioner of Municipal Administration,
Santhome High Road,
Raja Annamalaipuram,
Chennai.



2. The Commissioner,
Madurai Municipal Corporation,
Madurai.

3. The Commissioner of GST and
Central Excise,
Central Revenue Buildings,
B.B.Kulam, Madurai-2.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-23735[F] dated
23/07/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-23831[F] dated 26/07/2021)

W.A. (MD)No.1466 of 2021

23.07.2021

MGJ(09.08.2021) 3P 6C