



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) No.15008 of 2021

and

M.P (MD) .Nos.11964 & 11966 of 2021

T.Senkuttuvan

... Petitioner

Vs.

The General Manager,
State Express Transport Corporation
Tamil Nadu Ltd.,
Pallavan Salai,
Chennai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in Letter No.042658/G1/A.Vi.Po.Ka/2018, dated 14.07.2021 and quash the same as arbitrary and illegal and in consequence thereof direct the respondent to extend the period of license for further period of three years.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.R.Rajamohan,
SETC.

ORDER

The petitioner challenges a communication dated 14.07.2021 by which the petitioner was informed that the licence period would expire on 31.08.2021 and that consequently the petitioner is called upon to hand over the relevant premises.

2. The petitioner participated in a tender in relation to the grant of a licence in respect of a two wheeler parking space in the Thanjavur Old Bus Stand. Pursuant thereto, the petitioner was the successful tenderer and a licence was granted to the petitioner for the period of three years running from 01.08.2018 to 31.08.2021.

3. Upon the grant of such licence, it is stated that the petitioner remitted a sum of Rs.33,000/- + GST. Subsequently, it is stated that further sums of Rs.1,98,000/- towards advance



licence amount for 6 months, Rs.50,000/- towards electricity charges, Rs.25,000/- as deposit were remitted, and a bank guarantee for Rs.2,00,000/- was furnished. However, the petitioner states that the bus stand was closed within two months from the award of the contract and, therefore, the petitioner was unable to run the two wheeler stand and derive any income therefrom. Meanwhile, it is stated that the licence period is coming to an end on 31.08.2021 and the petitioner's request for an extension of such licence period has not been granted till date. Instead, the impugned communication was issued on 14.07.2021. The present writ petition is filed in these facts and circumstances.

4. Mr.R.Rajamohan, learned Standing Counsel for the respondent, accepts notice. He submits, on instructions, that the impugned communication was issued on account of the fact that the licence period admittedly comes to an end on 31.08.2021. Therefore, he submits that the impugned order does not suffer from any infirmity. Without prejudice, he submits that the petitioner's representation for an extension of the licence period would be considered and disposed of on merits.

5. The admitted position is that the licence period is for three years from 01.08.2018 to 31.08.2021. Consequently, the respondent cannot be faulted for issuing the communication dated 14.07.2021. The petitioner contended that the entire bus stand was closed on account of the Smart City Project within two months from the award of the contract. If such contention is factually correct, the income of the petitioner from the grant of licence would have been affected during such period. This is an aspect that should be taken into account by the respondent while considering the application for extension of time. However, as a State Transport Corporation, the respondent is obligated to act in a transparent and nondiscriminatory manner. Therefore, any decision for extension should be a policy decision that would apply uniformly to an entire class of licensees.

6. In the aforesaid facts and circumstances, the petitioner has failed to make out a case to interfere with the impugned communication dated 04.07.2021. Nevertheless, the petitioner is directed to submit a fresh representation seeking extension of licence by citing the closure of the bus stand. Such representation shall be submitted within a period of one week from the date of receipt of a copy of this order. Upon receipt thereof, the respondent is directed to consider the same by taking into account the observations contained in this order and dispose of such representation by a reasoned order within a period of 30 days from the date of receipt thereof.



7. W.P.(MD).No.15008 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.Nos.11964 & 11966 of 2021 are closed.

WEB COPY

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Sbn

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

The General Manager,
State Express Transport Corporation Tamil Nadu Ltd.,
Pallavan Salai,
Chennai.

W.P (MD) No.15008 of 2021
24.08.2021

DJ(CO)
SB(02.09.2021) 3P 2C