



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.17218 of 2021

Thirumoorthy

... Petitioner

Vs.

The Deputy Registrar/Managing Director,
Q816, Ramanathapuram District Consumer
Co-operative Wholesale Warehouse Limited,
265-F, Vandikkarath Street,
Ramanathapuram.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 06.09.2021 within a time stipulated by this Court.

For Petitioner : Mr.A.Uthayakumar

For Respondent : Mr.Seenivasagam

ORDER

The petitioner seeks a direction to the respondent to consider his representation dated 06.09.2021 in relation to a request for extension of the tenure of the agreement dated 12.02.2020.

2.The petitioner states that he had entered into an agreement dated 12.02.2020 with the respondent for the transportation of goods from a warehouse to the fair price ration shops within the jurisdiction of the Kamuthi Taluk. The said agreement was for a period of one year from March 2020 to February 2021. However, the petitioner relies upon clause 4 of such agreement which imposes an obligation on the petitioner to continue to carry on the transportation work until a new contractor is appointed for such purpose.

3.Mr.Seenivasagam, learned Standing Counsel for the respondent, accepts notice on behalf of the sole respondent. At the outset, he submits that the writ petition is not maintainable against the respondent herein. Without prejudice, he submits that the agreement dated 12.02.2020 has expired. Upon expiry thereof, the respondent has issued a notification for an auction. Such auction is scheduled



to be held on 28.09.2019. Consequently, he submits that the request of the petitioner cannot be entertained. However, the petitioner may participate at the auction on 28.09.2021.

4.The present dispute arises out of a contract for transportation between the petitioner and the respondent. In judicial review, ordinarily, the Court does not interfere and direct the extension of the term of a contract. Moreover, learned counsel for the respondent points out that a notification has been issued by the respondent scheduling an auction for awarding a contract for transporting PDS commodities on 28.09.2021. Needless to say, if eligible, the petitioner may participate at such auction. However, the petitioner is not entitled to a mandamus for the extension of the term of the expired contract.

5.Subject to the above observations, W.P.(MD)No.17218 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to participate in the auction scheduled on 28.09.2021.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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.

**W.P (MD) No.17218 of 2021
24.09.2021**

TR(27.09.2021) 2P 1C