



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17648 of 2021

and

W.M.P. (MD) .Nos.14526 & 14527 of 2021

WEB COPY

A.Chandran

... Petitioner

Vs.

1.The Assistant Director,
Town Panchayat Madurai Region,
Madurai District.

2.The Executive Officer,
S.Kodikulam Town Panchayat,
Kumapatty Post,
Watrap Taluk,
Virudhunagar.

... Respondents

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 relating to the impugned proceedings of the second respondent in Na.Ka.No.36/2021 dated 14.09.2021 and quash the same as illegal and consequently direct the respondents to extend the lease of Kumapatty Bus Stand Toilet, Virudhunagar granted to the petitioner for another period of one year.

For Petitioner : Mr.M.Jerin Mathew

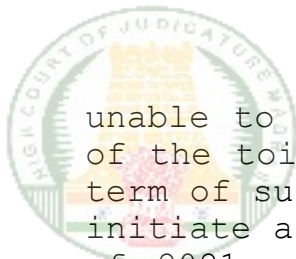
For R-1 : Mr.P.Subbaraj,
Counsel for State.

For R2 : Mr.Shanmugavel
Standing Counsel

ORDER

The petitioner assails a notice dated 14.09.2021 scheduling an auction or tender on 28.09.2021 in relation to the award of a licence/contract pertaining to the maintenance of a toilet at the Kodikulam Panchayat Bus Stand.

2. The petitioner states that he was awarded a contract in relation to the maintenance of the above mentioned toilet for the year 2020-2021 on 28.07.2020. Upon award of the contract, he remitted a sum of Rs.4,00,000/- (Rupees Four Lakhs only). On account of the lock down caused by the COVID-19 pandemic, he was



unable to derive much revenue from the contract for the maintenance of the toilet. Therefore, he had requested for an extension of the term of such contract. In view of the failure of the respondents to initiate action thereon, he filed Writ Petition in W.P.(MD).No.15479 of 2021. The said Writ Petition was disposed of by order dated 01.09.2021 by directing the respondents to consider the petitioner's representation dated 23.08.2021 and dispose of the same within thirty (30) days. The petitioner states that his representation has not been considered and disposed of. Instead, the impugned notice has been issued scheduling the auction or tender on 28.09.2021.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.Shanmugavel, learned Standing Counsel, accepts notice on behalf of the second respondent. On instructions, it is submitted that the earlier order of this court dated 01.09.2021 in W.P.(MD).No.15479 of 2021 was not communicated to the second respondent. Therefore, the impugned notice scheduling an auction or tender on 28.09.2021 was issued.

4. In view of the above mentioned submissions of the respondents, the impugned notice dated 14.09.2021 is liable to be quashed. Accordingly, the said notice is quashed. The respondents are directed to consider and dispose of the petitioner's representation dated 23.08.2021 as directed by the order dated 01.09.2021 in W.P.(MD).No.15479 of 2021. In case the representation of the petitioner is rejected, it is open to the respondent to issue a notice for an auction or tender in accordance with law. Any such order shall be communicated to the petitioner forthwith.

5. Accordingly, W.P.(MD).No.17648 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).Nos.14526 & 14527 of 2021 are closed.

Sd/-

Assistant Registrar (CS-I)

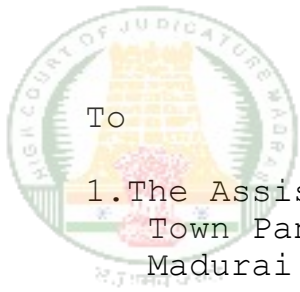
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/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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 Assistant Director,
Town Panchayat Madurai Region,
Madurai District.

2.The Executive Officer,
S.Kodikulam Town Panchayat,
Kumapatty Post,
Watrap Taluk,
Virudhunagar.

+1 CC to M/s.SPL.GP (SR-30477[F] dated 28/09/2021)

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-30442[F] dated
28/09/2021)

W.P (MD) No.17648 of 2021

and

W.M.P. (MD) .Nos.14526 & 14527 of 2021

27.09.2021

RK (04.10.2021) 3P 5C