IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2796 of 2021
& W.M.P.Nos.3144 & 3147 of 2021

M.Nethaji ... Petitioner

Vs

The Commissioner,
Ambur Municipality,
Ambur,
Thirupatthur District. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the Ambur Municipality resolution Number 122 dated 30.12.2020 for conducting auction for collecting vehicle entry tax for the period from 01.04.2021 to 31.03.2024 to be held on 10.02.2021 at 11.00 a.m. by the respondent and quash the same and directing the respondent to permit the petitioner to collect vehicle entry tax for the non performance of the contract period of 18 months from 21.05.2019 to 19.12.2020 by virtue of payment of security deposited (period from 01.04.2018 to 31.03.2021) with effect from 01.04.2021 to 30.09.2022.

For Petitioner : Mr.T.P.Sekar

For Respondent : Mr.D.Venkatesan

ORDER

The relief sought for in the present writ petition is to call for records pertaining to the Ambur Municipality resolution Number 122 dated 30.12.2020 for conducting auction for collecting vehicle entry tax for the period from 01.04.2021 to 31.03.2024 to be held on 10.02.2021 at 11.00 a.m. by the respondent and quash the same and directing the respondent to permit the petitioner to collect vehicle entry tax for the non performance of the contract period of 18 months from 21.05.2019 to 19.12.2020 by virtue of payment of security deposited (period from 01.04.2018 to 31.03.2021) with effect from 01.04.2021 to 30.09.2022.

2.The petitioner participated in the tender and declared as a successful bidder and consequently permission was granted by the respondent for the year 2018-2021 granting license for vehicle Entry Tax collection in Ambur Municipality commencing from 01.04.2018. The period of lease admittedly expired. The grievances of the writ petitioner is that during Covid-19 period, the Government announced lock down and therefore, the petitioner could not able to collect toll charges as per the license conditions. The petitioner made several representations seeking extension of license and to grant waiver of lease amount. However, without considering the representation of the petitioner, the respondents issued the tender notification in respect of collection of vehicle entry tax.

3.Admittedly, the license period expired. The petitioner submitted a representation to consider his case for extension of license in view of pandemic situation.

4.This Court is of the considered opinion that the license/permission was granted based on terms and conditions agreed between the parties. Admittedly, the period of license expired. The Court cannot extend the period of lease in view of the fact that the terms and conditions are contractual obligations between the parties.

5.The pandemic situation caused many difficulties to several citizens of this great Nation. It was an extraordinary situation where the people suffered and therefore, everyone of this Court may have grievances on account of pandemic situation and more specifically, during lock down period. Several youth of this Country lost their job and even they were struggling for their livelihood. Even as per the statistics more than 3½ Crores people list their job. Many small industries sustained huge monetary loss and even now they are struggling to restore the position. When the general lock down and Covid-19 caused disastrous consequences to the whole world, the case of the petitioner alone cannot be considered as a special case. However, the Government took note of all these factors and grating concessions to the needy people.

6.Under these circumstances, the Court cannot grant any extension of period. The license terms and conditions were agreed between the petitioner and the second respondent and the Courts cannot interfere with the contractual obligation between the parties. Once the period of license expired, the extension of period cannot be claimed as a matter of right and the authorities in the present case had issued the tender notification and therefore, the petitioner will get an opportunity to participate in the auction if he is otherwise eligible. This being the scope, the relief as such sought for in the present writ petition deserves no merit consideration.

7.With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

cse

To

The Commissioner,
Ambur Municipality,
Ambur,
Thirupatthur District.

+1cc to Mr.T.P.Sekar, Advocate SR.No.6705

W.P.No.2796 of 2021

MG(CO)
GMY(16/02/2022)