



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5335 of 2021

and

W.M.P.Nos.5912 & 5913 of 2021

M.Palanisamy

... Petitioner

Vs

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarid Mandamus, calling for the records pertaining to the impugned E-tender/Auction notification issued in Dinamalar, Dhinathanthi, Coimbatore Edition dated 25.02.2021 for the year 2021-2024 for granting license for collection of toll charges at Paneerselvam Flower market, West Zone, Coimbatore and quash the same and direct the 2nd respondent to refund the 11 months deposit amount for license period the year 2021-2021 to the petitioner.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondents

R1

: Mrs.R.L.Karthika
Government Advocate

R2

: Mr.K.Magesh

ORDER

The relief sought for in the present writ petition is to call for the records pertaining to the impugned E-tender/Auction notification issued in Dinamalar, Dhinathanthi, Coimbatore Edition dated 25.02.2021 for the year 2021-2024 for granting license for collection of toll charges at Paneerselvam Flower market, West Zone, Coimbatore and quash the same and direct the



2nd respondent to refund the 11 months deposit amount for license period the year 2021-2021 to the petitioner.

2.As far as the challenge made in respect of e-tender/auction notification dated 25.02.2021 is concerned, the tender had not taken place and therefore, the relief sought for lost its relevance. The respondents in the event of proceeding with has to issue a fresh tender notification.

3.In respect of the other prayer for refund of 11 months deposit amount for license period for the year 2020-2021 to the petitioner, the learned counsel for the second respondent made a submission that the Flower Market was fully functional even during the pandemic period including the lock down period. When the Flower Market was allowed to function during the lock down period, the question of refund would not arise.

4.This apart, the license was granted based on the terms and conditions which is a contract and in the event of seeking any concession contrary to the terms and conditions of the license, the petitioner has to approach the authorities and the Court cannot alter the terms of the Contract entered into between the parties. Further, the period of license expired and therefore, the relief as such sought for, for refund deserves no merit consideration.

5.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

cse

To

1.The District Collector,
Coimbatore District, Coimbatore.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore.

+lcc to Mr.K.Magesh, Advocate, S.R.No.6907
+lcc to the Government Pleader, S.R.No.7390

W.P.No.5335 of 2021

GPL(CO)
SB(21/02/2022)