



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.4954 OF 2022

&

W.M.P.NO.5091 TO 5093 OF 2022

T.Manickam

... Petitioner

.Vs.

The Executive Officer
Selection Grade Town Panchayat,
Palacode, Dharmapuri District.

... Respondent

PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus calling for the records relating to the impugned notice dated 28.02.2022 Ref. No. 50/2019/A2 passed by the respondent authority and quash the same direct the respondent authority to consider the representations dated 02.12.2020, 21.6.2021, 29.11.2021 02.12.2021 and 20.12.2021 pay reduce the contractual amount and grant adequate time for paying the amount and also grant extension of contractual period to the petitioner as may be directed by this Honorable Court.

For Petitioner : Mr.R.Ramesh Raja

For Respondent : Mr.D.Gopal
Government Advocate

ORDER

Mr.D.Gopal, learned Government Advocate accepts notice for the respondent and is armed with sufficient instructions to proceed with the matter finally. Hence, by consent expressed by both learned counsels, this writ petition is disposed finally even at the stage of admission.

2. The petitioner challenges final notice dated 28.02.2022. The admitted position is that the petitioner had participated in



a tender floated by the respondent on 22.02.2019 for collection of toll in daily and weekly market vendors and for ingress into the Vandipettai area in Palacode Selection grade Panchayat. The petitioner was successful and two extensions were granted to him for collection of toll as aforesaid for the period 01.04.2019 till 31.03.2022.

3. While, this is so, the respondent appears to have taken a stand that there are arrears in the licence fee for the previous periods. A notice was issued on 14.12.2021, computing the alleged arrears and raising a demand with GST payable thereon. A reply has been sent by the petitioner on 20.02.2021 objecting the demand made and putting forth an explanation.

4. In summary, the petitioner appears to have taken a stand that there are no arrears due to be paid by him, despite which, a final notice has come to be issued on 28.02.2022 putting the petitioner to notice to pay the demand, as computed, of a sum of Rs.39,79,090/- within 24 hours under threat of termination of the licence.

5. Admittedly, the petitioner has not been heard by the respondent in the matter. In my considered view, the petitioner should be heard and a speaking order passed taking note of the explanation that has been put forth by him on 20.12.2021 as well as any further explanation that he may have in the course of the personal hearing.

6. For this purpose, the petitioner shall appear before the respondent on Thursday, the 10th or March, 2022 on which date the the petitioner may submit any further written submission that he would like to, in his support.

7. Let the petitioner be heard and orders passed within a period of one week thereafter i.e. on or before 17.03.2022. No further notice need be issued in regard to the hearing as this order is dictated in the presence of the learned counsels. The petitioner shall not be disturbed till 17.03.2022 or till passing of the final order, whichever is earlier.

8. This writ petition is disposed in the above terms. Consequently connected miscellaneous petitions are also closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



ska/nst

To

WEB COPY

The Executive Officer
Selection Grade Town Panchayat,
Palacode, Dharmapuri District.

+lcc to Mr.D.Gopal, Advocate, S.R.No.14699

W.P.NO.4954 OF 2022

NRJK (CO)
PBS/16/03/2022