



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.6885 of 2019

&

W.M.P.No.7632 of 2019

M/s.Tiru 24/7 Ad Agency,
Rep by its Partner,
C.Moultayappane,
No.39, Monstorsier Street,
Puducherry - 605 001.

...Petitioner

Vs.

1. Union of India represented by the
Chief Secretary to Government,
Goubert Avenue, Chief Secretariat, Puducherry.

2. The Secretary to Government,
(Local Administration),
Chief Secretariat, Puducherry.

3. The Director,
Local Administration Department,
Puducherry.

4. The Commissioner,
Puducherry Municipality,
Puducherry.

5. The Commissioner,
Oulgaret, Municipality,
Jawahar Nagar, Boomianpet,
Puducherry - 605 005.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue aWrit of Mandamus, directing the 3rd respondent to issue the order of selection and execute the agreement in consonance with the Notice Inviting Tender.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.J.Kumaran

Additional Government Pleader (P)



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O R D E R

The petitioner seeks a mandamus, directing the third respondent, i.e., the Director, Local Administration Department, Puducherry to issue an order of selection and execute an agreement pursuant to a tender notice dated 14.03.2017, to which the petitioner has responded.

2. The respondents have filed their counter dated 29.03.2022, wherein, at paragraphs 6 and 7 they state as follows:-

'6. I humbly submit that on the date of opening of bid, only one tender was received with Earnest Money Deposit (EMD) of Rs.10,00,000/- (Rupees Ten Lakhs Only). The EMD amount has been deposited in the Government Account on 06.06.2017. However, the letter of acceptance was not issued to the only due to introduction of GST.

7. I humbly submit that later based on the request of the petitioner to accord permission to erect banners and hoarding, the Commissioner, Pondicherry, Municipality raised a demand notice for Rs.26,26,889/- (Display Fees Rs.2,14,889/- + Land Rent Rs.24,12,000) whereas the petitioner paid only an amount of Rs.8,30,892/- in two installments. As such, the Commissioner, Pondicherry Municipality and Oulgaret Municipality have given only permission for erection of hoardings/banners for advertisement. Also the petitioner had neither paid any fees to the 5th respondent nor submitted any stability certificate in respect of the erections undertaken within the jurisdiction of Oulgaret Municipality.'

3. In the light of the aforesaid, mandamus as sought for is not liable to be granted, since the tender has itself been abandoned.

4. However, if the petitioner believes that it is entitled to refund of any amounts paid by it, it is at liberty to make a representation before the authorities in this regard and such representation, if received within a period of four weeks from today, shall be disposed within a period of six (6) weeks thereafter, after hearing the petitioner and in accordance with law.



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5. This writ petition stands disposed as above. Connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

nst/sl

To

1. The Chief Secretary to Government,
Union of India represented by the
Goubert Avenue,
Chief Secretariat, Puducherry.

2. The Secretary to Government,
(Local Administration),
Chief Secretariat, Puducherry.

3. The Director,
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AK(CO)
GN(04/05/2022)