



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.8321 of 2022

and

W.M.P.Nos.8295, 8299 & 8300 of 2022

T.Manickam

..Petitioner

Vs.

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

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 17.03.2022 passed by the respondent authority and quash the same and consequently direct the respondent authority to grant extension of contractual period to the petitioner for a period of six months from 01.04.2022 by considering the petitioner's representations dated 02.12.2020, 21.06.2021, 29.11.2021, 20.12.2021 and 10.03.2022 and also reduce the amount demanded by the respondent by taking into consideration the GST amount already paid and also the loss suffered by the petitioner.

For Petitioner : Mr.R.Ramesh Raja

For Respondent : Mr.Stalin Abhimanyu
Special Government Pleader

O R D E R

The petitioner has come out with the present Writ Petition challenging the order of the respondent dated 17.03.2022 and to grant extension of contractual period to the petitioner and also to reduce the amount demanded by the respondent.

2.By consent of both the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondent, this Writ Petition is taken up for hearing at the admission stage itself.



3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondent and perused the entire materials on record.

4. The petitioner was granted license for collection of toll from the daily market vendors, weekly market and for Vandipettai toll for the year 2019-2020 in Palacode selection grade panchayat and it was extended for further period of two years. According to the respondent, the petitioner did not pay the amount as per the terms and conditions of the license and as on 28.02.2022, a sum of Rs.34,41,666/- was due and payable by the petitioner and hence, the respondent issued notice demanding the said payment. The said demand notice was challenged by the petitioner by filing W.P.No.4954 of 2022 before this Court. This Court, by the order dated 04.03.2022, directed the respondent to give personal hearing to the petitioner and after considering his explanation pass orders. This Court, directed the petitioner to appear for enquiry and submit his explanation on 10.03.2022 and directed the respondent to pass orders within one week thereafter after hearing the petitioner. The petitioner gave a representation dated 10.03.2022 to the respondent. According to the petitioner, without giving personal hearing to the petitioner, as directed by this Court by the order dated 04.03.2022 in W.P.No.4954 of 2022, the impugned demand notice is issued and prayed for setting aside the said demand notice.

5. Mr. Stalin Abhimanyu, learned Special Government Pleader appearing for the respondent submitted that the petitioner was a successful bidder for collection of toll in the weekly market for the year 2019-2020 and it was extended till 2022 on enhancement of 5% of the contractual amount. Till today, the arrears of Rs.39,79,090/- is due and payable by the petitioner. In view of the same, the impugned demand notice is issued to the petitioner.

6. From the materials on record, it is seen that this Court, by the order dated 04.03.2022 made in W.P.No.4954 of 2022, [T.Manickam Vs. Executive Officer, Selection Grade Town Panchayat, Palacode, Dharmapuri District], has passed the following order:

"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



To

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

W.P.No.8321 of 2022

RSV (CO)
RGA (22/04/2022)