



W.P(MD)No.7884 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.7884 of 2013

and

M.P(MD).No.1 of 2013

I.Sundarraaj,

: Petitioner

Vs

The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

: Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari and call for the records in respect of proceedings in Na.Ka.No. 5630/2010/A5 dated 10.04.2013 issued by the second respondent and quash the same as arbitrary, illegal and void.

For Petitioner : Mrs.P.Malini

For Respondent : Mr.J.Parekh Kumar



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ORDER

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The present writ petition has been filed challenging the order passed by the respondent herein, under which, the licence granted to the petitioner was cancelled and the petitioner was black listed for an indefinite period.

2. According to the learned Counsel appearing for the petitioner, the petitioner was a successful bidder for collecting the parking charges in the two-wheeler parking area belonging to the Ulavar Sandhai and Government Hospital, Srivilliputhur. However, since the petitioner had violated the general conditions imposed in the licence, the said licence was cancelled under the impugned order dated 10.04.2013. Apart from cancelling the said licence, the petitioner was also black listed for an indefinite period from participating in any future auction. The said order is under challenged in the writ petition.

3. The original licence is valid for a period of three years. The said period has already expired. Hence, the order cancelling the licence cannot be interfered with. However, no contractor/successful bidder in an auction can



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be black listed for an indefinite period.

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4.In view of the judgment of the Hon'ble Supreme Court reported in **2022 LiveLaw (SC) 694, dated 16.08.2022**, this Court is of the view that at the maximum, the black listing can be only for a period of five years. In view of the efflux of time, the said period of five years has already expired. Hence the petitioner is entitled to participate in any future tender/auction conducted by the respondent. The black listing of the petitioner over the said period of five years, shall not be a disqualification for participating in the future tenders/auctions.

5.With the above observations, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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R.VIJAYAKUMAR, J.

lr

To
The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
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