



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5499 of 2022

and

W.M.P.[MD]No.4457 of 2022

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M.Oomaithurai

... Petitioner

/Vs./

1. The Block Development Officer,
Manamadurai,
Sivagangai District.

2. The President,
Muthanendal Panchayat,
Manamadurai Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent in NIL dated 19.03.2022 and quash the same as illegal and consequently to direct the respondents to extend the period of lease for running the Anna Marumalarchi Weekly Market within the period that may be stipulated by this Court.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For Respondents	: Mr.M.Jeyapriya Government Advocate

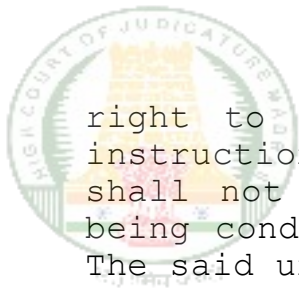
ORDER

This writ petition has been filed challenging the impugned order dated 19.03.2022 passed by the second respondent rejecting the petitioner's request for extension of the licence for running the weekly market.

2.According to the learned Government Advocate appearing for the respondents, in due course, auction will be conducted for the very same weekly market and therefore, there is no possibility for extending the licence granted to the petitioner. He would submit that the petitioner can also participate in the auction, if he so desires.

3.However, the learned counsel appearing for the petitioner submits that atleast till auction is conducted, the petitioner's

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right to operate the weekly market should not be stopped. On instructions, he also gives an undertaking that the petitioner shall not operate the weekly market, in the event of an auction being conducted and the successful bidder is awarded the contract. The said undertaking given by the petitioner is recorded.

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4.No prejudice would be caused to the respondents, if the petitioner is allowed to operate the weekly market upto the date of awarding of the contract to any other third party or to the petitioner himself, if he succeeds in the auction. In case the petitioner occupies the shops, despite not been successful in the auction, he is liable to pay damages to the respondents.

5.For the foregoing reasons, this Writ Petition is disposed of by directing the respondents to permit the petitioner to operate the weekly market, till the contract is awarded to the successful bidder, pursuant to an auction to be conducted by the respondents in the near future. However, the petitioner shall continue to pay the licence charges without committing any default, till the respondents award the contract to any other third party or to the petitioner himself, after the conduct of the auction.

6.Since the petitioner claims that due to Covid-19 lockdown, he was unable to operate the weekly market for a considerable period of time, the petitioner is permitted to give a representation to the respondents seeking for waiver of the licence charges for non-operation of the weekly market by him during those months and on receipt of the same, the respondents shall consider the same on merits and in accordance with law and pass final orders, within a period of fifteen (15) days thereafter.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Block Development Officer,
Manamadurai,
Sivagangai District.

2. The President,
Muthanendal Panchayat,
Manamadurai Union,
Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16018[F] dated
01/04/2022)

order made in
W.P. [MD]No.5499 of 2022

Dated:
30.03.2022

SB(CO)
PA(07.04.2022) 3P 4C