



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5495 of 2022

and

W.M.P.[MD]No.4453 of 2022

WEB COPY

M.Oomaithurai

... Petitioner

/Vs./

The Commissioner,
Municipality Office,
Manamadurai Municipality,
Sivagangai District.

... Respondent

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 respondent vide his proceedings in Na.Ka.No.300/2022 dated 18.03.2022 and quash the same as illegal and consequentially to direct the respondent to extend the period of lease for running the Mayilan Market with the period that may be stipulated by this Court.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For Respondent	: Mr.T.Amjad Khan Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 18.03.2022 passed by the respondent rejecting the petitioner's request for extension of the licence for running the daily market on the ground that the petitioner has not paid the licence charges for the period from 01.04.2021 to 31.03.2022.

2.According to the petitioner, he has paid the licence charges for the period from 01.04.2021 to 31.03.2022, in advance on 31.03.2021 itself. However, the said contention is disputed by the learned Government Advocate appearing for the respondent.

3.According to the learned Government Advocate appearing for the respondent, in due course, auction will be conducted for the very same daily 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.

4.However, the learned counsel appearing for the petitioner submits that atleast till auction is conducted, the petitioner's right to operate the daily market should not be stopped. On



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

5.No prejudice would be caused to the respondent, if the petitioner is allowed to operate the daily 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.

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

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

8.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 (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

To

The Commissioner,
Municipality Office,
Manamadurai Municipality,
Sivagangai District.



+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16012[F] dated
01/04/2022)

W.P. [MD]No.5495 of 2022

Dated:
30.03.2022

WEB COPY

SB (CO)

KB (20.04.2022) 3P 3C