

W.A.(MD) No.577 of 2019 &
W.P.(MD) No.5983 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.(MD) No.577 of 2019
and
C.M.P.(MD) No.4747 of 2019
and
W.P.(MD) No.5983 of 2021
and
W.M.P.(MD) Nos.4685, 4688 & 8581 of 2021

W.A.(MD) No.577 of 2019:

M.Kuthalingam

... Appellant

-vs-

1.The Director of Town Panchayats
Directorate of Town Panchayats
4th Floor, Kuralagam Buildings
Chennai-600 108

2.The District Collector
Tirunelveli District
Tirunelveli

3.The Assistant Director of
Town Panchayats
Tirunelveli District
Tirunelveli

4.Courtallam Special Grade Town Panchayat
rep.by its Executive Officer
Courtallam
Tirusnelveli District

5.Sethuramalingam

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 28.03.2019, passed in W.P.(MD) No.6777 of 2019, on the file of this
Court.

For Appellant : Mr.M.Saravanan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.S.P.Maharajan
Special Government Pleader for R1 to R4
Mr.A.Saravanan for R5

W.P.(MD) No.5983 of 2021:

K.Sethuramalingam

... Petitioner

-vs-

1.The District Collector
Tenkasi District
Tenkasi

2.The Executive Officer
Coutralam Special Grade Town Panchayat
Coutralam, Tenkasi District

3.M.Kuthalingam

... Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned tender notification of the second respondent in Na.Ka.No. 46/2021/A3, dated 02.02.2021, so far as the first item, namely, “Five Falls Parking Licence Fee” to quash the same as illegal and consequently direct the respondents to accept the petitioner's tender amount with 5% additional fee for the tender period of 2021-2022.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.J.C.Rathinavel Pandian for R3

C O M M O N J U D G M E N T

[Judgment of the Court was made by R.MAHADEVAN, J.]

W.A.(MD) No.577 of 2019 is preferred by one Kuthalingam, one of the tenderers, against the order dated 28.03.2019, passed in W.P.(MD) No. 6777 of 2019.

2. Whereas, one Sethuramalingam, a successful bidder, has filed W.P.(MD) No.5983 of 2021 challenging the tender notification, dated 02.02.2021, issued by the Executive Officer, Coutralam Special Grade Town Panchayat insofar as it relates to “Five Falls Parking Licence Fee”, with a direction to the respondents to accept his tender amount with 5% additional fee for the tender period of 2021-2022.

3. To be noted, the issue involved in this matter relates to the collection of parking fee for the period 2019 – 2020. Since the period itself is over, we are of the view that the the parties have to approach the authority concerned for necessary reliefs regarding refund of money deposited etc.

4. Accordingly, granting liberty to the parties concerned to approach the authority concerned, within a period of two weeks from the date of receipt of a copy of this judgment, for redressal of their grievance with regard to refund of money deposited etc., and on such approach of the parties, the authority concerned shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks thereafter, the writ

appeal and the writ petition are disposed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]

28.11.2022

Index : Yes / No

Internet : Yes / No

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R.MAHADEVAN, J.
and
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