

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20766 of 2022

and

W.M.P(MD)Nos.15069 & 15070 of 2022

Balasubramanian

... Petitioner

Vs.

1.The Commissioner of
Municipal Administration,
Office of the Commissioner of
Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai.

2.The Commissioner,
Tirunelveli Corporation,
Office of the Commissioner of
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli – 627 001.

3.The Assistant Commissioner,
Tirunelveli Corporation,
Office of the Commissioner of
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli – 627 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent inviting tender in his proceedings in respect of Notice No.A1-405-2022 dated 18.08.2022 and quash the same in respect of Item 1 for the period 2022 to 2025 and consequently, directing the respondents to grant extension for the period 2022 to 2024 for the collection of fees for the operation and maintenance of toilet at Tirunelveli Town Mount Road Toilet, Tirunelveli.

For Petitioner : Mr.K.Anand

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R.1

Mr.Sivanu Pandian
Standing Counsel for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned tender notification issued by the third respondent. The primary ground of challenge is that the respondents have issued the said notification without considering his representation as mandated by this Court vide order dated 15.09.2021 in W.P(MD)Nos.16484 to 16487 of 2021. If the order of this Court is not complied with, the remedy open to the petitioner is to file a contempt petition. On the said ground, the

impugned tender notification cannot be stayed. The petitioner also states that on account of pandemic he was not able to enjoy the fruits of license and therefore, he is entitled to corresponding waiver. The petitioner invokes the order passed by this Court in W.P(MD)No.19596 of 2020 dated 01.02.2021. I must remind the petitioner that the correctness of the said order is now being tested by the Hon'ble Supreme Court and an interim order of stay also granted. The said ground is also not available to the writ petitioner. No other ground has been urged before me.

3. The writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

02.09.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Commissioner of
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Office of the Commissioner of
Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai.

G.R.SWAMINATHAN, J.

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2.The Commissioner,
Tirunelveli Corporation,
Office of the Commissioner of
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli – 627 001.

3.The Assistant Commissioner,
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