



W.P.(MD)Nos.14409 and 16172 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)Nos.14409 and 16172 of 2022

and

W.M.P.(MD)Nos.10295, 10297, 11703 and 11704 of 2022

W.P.(MD)No.14409 of 2022:-

Duraisamy

... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The Executive Officer,
Aundipatti Town Panchayat,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.430/2020, dated 30.05.2022 and to quash the same as illegal and consequently, to direct the second respondent to permit the petitioner to collect fee from the street vendors as per the licence issued by the second respondent vide proceedings in Na.Ka.No.430/2022, dated 03.07.2020.



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For Petitioner :Mr.R.Pon Karthikeyan
For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader

W.P.(MD)No.16172 of 2022:-

Duraisamy ... Petitioner

vs.

- 1.The District Collector,
Theni District, Theni.
- 2.The Executive Officer,
Aundipatti Town Panchayat,
Theni District.

3.G.Periyasamy ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned licence vide proceedings in Na.Ka.No.619/2022, dated 27.06.2022 issued by the second respondent and to quash the same.

For Petitioner :Mr.R.Pon Karthikeyan
For R1 and R2 :Mr.N.Muthu Vijayan
Special Government Pleader

COMMON ORDER

Since the same petitioner had filed two Writ Petitions questioning the impugned order of the second respondent in Na.Ka.No.430/2020



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dated 30.05.2022 and the consequential order in Na.Ka.No.619/2022,
dated 27.06.2022, one common order is passed in both the Writ Petitions.

2.Heard Mr.R.Pon Karthikeyan, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the first and second respondents.

2.Let me very brief, since it is stated that though the Writ Petitioner had questioned the issuance of tender, the tender period itself comes to an end on 31.03.2023 and the learned Special Government Pleader had stated that a fresh tender notice would be issued. Let me again not go into the details of the various allegations raised by the petitioner or the allegations raised by the respondents against the petitioner herein.

3.They may all be kept aside. When fresh tender notification is issued on 31.03.2023 or soon thereafter, after the completion of the subsisting period, the petitioner is permitted to participate in the tender proceedings. The respondents may not hold anything against the



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petitioner and may not disqualify the petitioner only on the ground that he had filed Writ Petitions or had raised allegations. Let them follow the rules and the petitioner must abide by all the rules and regulations, as stipulated. The filing of the Writ Petitions should not be held out against the petitioner.

4.Refuting the allegations made in the Writ Petitions, a counter affidavit had been filed on behalf of the respondents stating that the records are available. When a fresh tender notification is issued, the application must be examined independent of all records and examined whether the petitioner satisfies the guidelines in that particular tender notification.

5.Recording as above, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

14.03.2023

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To

- 1.The District Collector,
Theni District, Theni.
- 2.The Executive Officer,
Aundipatti Town Panchayat,
Theni District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)Nos.14409 and 16172 of 2022

14.03.2023