



W.P(MD)No.14897 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14897 of 2023

and

W.P(MD)No.12570 of 2023

Rose Kurumbathevar

... Petitioner

Vs.

1.The Assistant Director of Town Panchayats,
Theni District, Theni.

2.The Executive Officer,
Andipatty Town Panchayat,
Andipatty - 625 512,
Theni District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the 2nd respondent to consider the representation of the petitioner dated 27.05.2023 requesting the 2nd respondent to continue the existing lease of the cycle stand to the petitioner for another one term of three years with an increase in the lease amount.



WEB COPY



W.P(MD)No.14897 of 2023

For Petitioners : Mr.A.John Vincent
Advocate.
For R1 : Mr.N.Muthuvijayan
Special Government Pleader
For R2 : Mr.Amjat Khan
Advocate

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to the second respondent to consider a representation given by the petitioner on 27.05.2023 to continue the lease of the cycle stand at Andipatti bus stand.

2. When the tender was quoted, the petitioner was the successful bidder. The three year period expires on 31.07.2023. The learned counsel for the petitioner stated that the petitioner is a senior citizen and his wife is also a senior citizen. But that does not give special privilege to the petitioner as everybody will have to compete in the auction for granting rights to run the cycle stand at Andipatti bus stand.

3. If the respondents take a decision to invite tenders, the petitioner can always participate in the same. With his experience, I am confident that he will be able to give a competitive bid and come out successfully. Learned counsel also stated that the three year period was not completely enjoyed by the



W.P(MD)No.14897 of 2023

petitioner consequent to Covid-19 pandemic. But that cannot be a ground for the respondents to not call for tender on the expiry of the lease period. The petitioner can only take efforts to participate in the lease period. A Mandamus in this regard, cannot be issued, particularly, because the lease period is still subsisting, so far as the petitioner is concerned.

4. Eventhough, the writ petition is dismissed, if the petitioner files documents, participating in the tender and if the documents are in order, his documents may also be considered along with others who are so participate.

5.This writ petition is dismissed of. No costs. Consequently, connected miscellaneous petition stands closed.

23.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

pnn

To

1.The Assistant Director of Town Panchayats, Theni District, Theni.

2.The Executive Officer, Andipatty Town Panchayat, Andipatty - 625 512, Theni District.



WEB COPY



W.P(MD)No.14897 of 2023

C.V.KARTHIKEYAN, J.

pnn

ORDER
IN
W.P(MD)No.14897 of 2023

23.06.2023