



W.P.No.11170 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11170 of 2024

&

W.M.P.No.12241 of 2024

S.Saravanamoorthy

...Petitioner

Vs.

1.The District Collector
Collectorate Office
Coimbatore District
Coimbatore-641 018

2.The Assistant Director of Town Panchayat
Coimbatore Zone
Collectorate Campus
Coimbatore-641 118

3.The Executive Officer
Thondamuthur Town Panchayath
Thondamuthur Post
Coimbatore-641 118

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation/review petition dated 04.04.2024.



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For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.A.M.Ayyadurai, G.A. For R1 and 2

Mr.M.S.Arasakumar. G.A for R3

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation/review petition dated 04.04.2024.

2. The case of the petitioner is that the 3rd respondent Town Panchayat has called for an open tender auction vide their Notification dated 30.10.2023 for collection of toll charges from daily and weekly market in and around the area within the jurisdiction of the Thondamuthur First Grade Panchayat for a period of 3 years to collect the prescribed fee from the traders/public for parking vehicle etc., The petitioner has deposited Rs.50,000/- on 30.10.2023 towards security deposit and was granted licence for collecting the toll charges from the traders/public utilising the market facility. Besides that the petitioner also remitted a sum of Rs.98,825/- which includes license fee of Rs.83,750/- for five months and GST of Rs.15,075/- on 30.10.2023. The petitioner



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has been collecting the fee from the beneficiaries as per the tender rules as prescribed by the 3rd respondent. While being so, the 3rd respondent issued a notice dated 01.03.2024 cancelling the tender granted to the petitioner. The petitioner submitted a reply on 07.03.2024 denying the charges and requested the 3rd respondent to permit the petitioner to continue as a bidder as per the license granted. It is the further case of the petitioner that the 3rd respondent without considering the explanation and without proper enquiry cancelled the license and returned the demand draft vide letter Na.Ka.No.430 of 2023 dated 01.03.2024. To which the petitioner sent a representation/review petition dated 04.04.2024 denying the charges levelled against him and requested the 3rd respondent to reconsider and review his case and permit him to continue the license period of the year 2024-25 also. As the same has not been considered and no orders have been passed the present Writ Petition has been filed.

3. The learned Government appearing for the respondents 1 and 2 submitted that necessary orders will be passed after considering the petitioners representation.



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4. Heard Mr.L.P.Shanmugasundaram, learned counsel appearing for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate for the respondents 1 and 2 and Mr.M.S.Arasakumar, learned Government Advocate, for the 3rd respondent.

5. Considering the facts of the case, this Court without expressing any opinion on the merits of the case, directs the to the respondents to consider the petitioner representation/review petition dated 04.04.2024 by affording an opportunity of personal hearing and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index:Yes/No
Speaking order/Non-speaking order
kpr



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V.BHAVANI SUBBAROYAN,J.



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