



W.P(MD)No.4941 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4941 of 2024

and

W.M.P.(MD)Nos.4733, 4734 & 4735 of 2024

V.Murugesan

... Petitioner

Vs.

The Commissioner,
Theni-Allinagaram Municipality,
Theni District.

... Respondent

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 of the respondent in his proceedings in Na.Ka.No. 1123/2023/A3 dated 23.02.2024 and quash the same as in so far as the auction of two wheeler parking stand at the Karnal John Pennycuick (Karnal John Pennycuick) Bus Stand Ground Floor Main Block (North), Theni is concerned as illegal and consequently directing the respondent to extent the lease period given to the petitioner by the respondent vide his proceedings in Na.Ka.No. 1146/2020/A3 dated 12.02.2021 to run the two wheeler parking stand at the Karnal John Pennycuick (Karnal John Pennycuick) Bus Stand Ground Floor Main Block (North), Theni for a further period of one year, based on the petitioner's representation dated 23.02.2024.



WEB COPY



W.P(MD)No.4941 of 2024

For Petitioner : Mr.G.Radhakrishnan

For Respondent : Mr.G.Kaaleeswaran

ORDER

Heard both sides.

2. The petitioner challenges the impugned notification issued by the respondent municipality for issuing license for running the two wheeler parking stand. The petitioner is an incumbent licensee. His license period commenced on 12.02.2021. It expires on 14.02.2024.

3. The petitioner's counsel states that due to lock down restrictions for close to six months, the parking stand could not be opened. He would also add that during the subsistence of the license, the local body granted license in favour of another individual thereby causing severe loss to the petitioner. There is some force and substance in the contention of the petitioner that he has to be duly compensated. But then, this requires further examination. But on this ground, the impugned notification cannot be challenged. The local body cannot be restrained from conducting a fresh auction for the subsequent period. I grant liberty to the petitioner to give representation to the local body for payment of damages. As and when such application is filed, it shall be considered on merits and in accordance with law and final order shall be passed within a



W.P(MD)No.4941 of 2024

period of eight weeks thereafter. The respondent shall hear the petitioner in person and allow him to place materials demonstrating the quantum of loss.

4. With this liberty to the petitioner to approach the respondent for payment of compensation and the aforesaid direction to the local body to dispose of the petitioner's request, the impugned tender notification is sustained. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.03.2024

Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.4941 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.4941 of 2024

01.03.2024