



W.P.(MD)No.15277 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2024

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.15277 of 2024

and

WMP(MD)Nos.13393, 13394 & 13395 of 2024

J.Dinesh

... Petitioner

Vs.

The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of respondent in S.No.2 bearing Na.Ka.No.31/2024/A1 dated 03.07.2024 (which was received by the petitioner on 05.07.2024) and quash the same and consequently directing the respondent to confirm the tender in the name of the petitioner in Work No.119/LD02/00008 for the collection of fee from the Street Shops in the respondent municipality and to issue the license in favour of the petitioner for the period of 2024-2027.



W.P.(MD)No.15277 of 2024

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondent : Mr.V.Austin

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ORDER

The Commissioner, Usilampatti Municipality issued tender notification dated 03.07.2024 inviting tenders for awarding license to collect fees from street vendors for the period 2024-2027. Challenging the same, this writ petition came to be filed.

2.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to set aside the impugned notification and grant relief as prayed for.

3.The respondent has filed counter affidavit and the learned standing counsel took me through its contents. The respondent wants this Court to dismiss this writ petition.



W.P.(MD)No.15277 of 2024

4.I carefully considered the rival contentions and went through the materials on record. The basic facts are not in dispute. On 29.01.2024, the respondent issued tender notification for the first time. It did not elicit any response. Hence, second notification was issued on 16.02.2024. It also did not elicit any response. The third tender notification was issued on 05.03.2024. It also did not elicit any responses. The fourth tender notification elicited two responses. The petitioner was the one of the tenderers and his bid for Rs.2,60,000/- turned out to be higher. One Dhanaseelan who was the existing license fee had offered only a lower sum of Rs.2,50,000/-. Since the petitioner's bid was not confirmed, he filed WP(MD)No.14659 of 2024. During the pendency of the said writ petition, the impugned notification came to be issued. Challenging the same, this writ petition came to be filed.

5.The respondent in his counter affidavit had stated that Dhanaseelan had offered a sum of Rs.6,95,000/- for the previous year. The bid offered by the petitioner did not match even the previous year's license fee. Since the Municipality stood to lose a substantial sum, the impugned notification came to be issued. The stand of the respondent is



W.P.(MD)No.15277 of 2024

that the revenue interest of the local body will have precedence over the petitioner's right to get confirmation. I find considerable force in this stand of the local body.

6.At this stage, the learned counsel for the petitioner informed the court that the petitioner had already written to the local body to outbid the previous year's bid. The petitioner states that he is ready to take the license for a sum of Rs.7,05,000/- for the first year. This should address the concerns expressed by the respondent. It take cares of the revenue interest of the local body. Since the petitioner's offer was the highest and since first three notifications did not elicit any response and since the petitioner has offered to outbid the previous year's license fee, the impugned notification is quashed as far as the 2nd item is concerned. The respondent is directed to confirm the present offer of the petitioner and award license to the petitioner for 2024-2027 immediately and without any delay.



W.P.(MD)No.15277 of 2024

7.This writ petition is allowed accordingly. No costs. Connected miscellaneous petitions are closed.

18.07.2024

skm

Issue order copy on 19.07.2024

To

The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai District.



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W.P.(MD)No.15277 of 2024

G.R.SWAMINATHAN, J.

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