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W.P.No.40899 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.40899 of 2025
and
W.M.P.Nos.45847 & 45849 of 2025

D.Arul
S/o.Late Durairaj

.. Petitioner

VS

1. The District Collector
Thiruvallur District
Thiruvallur.
2. The Commissioner
Ponneri Municipality
Ponneri, Thiruvallur District.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned tender notification in Na.Ka.No.977/2023/E1 dated 25.08.2025 issued by the 2nd respondent and quash the same and consquently direct the 2nd respondent to allot the temporary bus terminus till the completion of new construction of the Ponneri bus stand and also permit the petitioner to continue for collection of gate / entrance fees till 31.03.2026 as per the allotment of the 2nd respondent.



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For Petitioner : Mr.K.Karthikeyan
For Respondents : Mr.M.Shajahan
Special Government Pleader,
for R1
Mr.P.Srinivas, for R2

ORDER

The petitioner was given the licence to collect the entry fee for buses entering into the bus stand maintained by the second respondent. This was renewed from time to time and the privilege to collect the licence is valid till 31.03.2026.

2. The Government of Tamil Nadu has allotted funds to the second respondent to enable it to pull down the existing bus stand and put up a new one. On allocation of funds, the Municipality published a tender for the said purpose on 25.08.2025.

3. The issuance of the tender is challenged in the present writ petition.

4. Heard Mr.K.Karthikeyan, for the petitioner, Mr.M.Shajahan, Special Government Pleader for the first respondent and Mr.P.Srinivas,



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for the second respondent.

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5. Mr.K.Karthikeyan, urges that as long as petitioner's privilege to collect the entry fee for the buses is valid, i.e., till 31.03.2026, the Municipality is not entitled to pull down the existing terminus and construct a new one. As an alternative, he suggests that the Municipality should identify a temporary bus stand and enable the petitioner to continue the right to collect the fee. He pleads that, on one hand, the Municipality cannot permit the petitioner to collect the fee and thereafter, remove the very terminus from which this collection takes place.

6. Mr.P.Srinivas states that on account of allocation of funds, the Municipality has decided to pull down the existing structure and construct a new one. He adds that the Municipality is not preventing buses from entering the identified area, but only removing the superstructure which was in occupation of the tenants. He further submits that the tenants have vacated and handed over possession of the building to the Municipality and thereafter, the Municipality has invited offers under the tender. He states, that in case, the petitioner loses his right to collect the entry fee and if he applies to the Municipality for



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remission of the uncollected period, it would be considered in accordance with law.

7. I have gone through the records and I have heard the respective counsel.

8. The right conferred on the petitioner is merely a licence or privilege to collect the entry fee in the Municipal bus stand. It is not a lease, but only a licence or privilege. There is no right attached to the immovable property by virtue of this privilege. The petitioner, no doubt, is entitled to exploit the licence till 31.03.2026. In case, the petitioner is unable to collect the licence fee on account of the closure of the bus stand, his remedy is not to challenge the tender proceedings but to seek remission for the unexploited period.

9. Whether the Municipality should open a temporary bus stand to facilitate the petitioner to collect the fee or not, is a decision to be taken by the Commissioner, and there cannot be a mandamus directing the Municipality to open a temporary bus stand, solely to enable the petitioner to collect the entry fee. If the petitioner claims that, on account of the abrupt stoppage of the collection, he has suffered damages, his



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remedy is not by way of challenging the tender, but by suing the Municipality for damages before the jurisdictional Civil Court.

10. In the light of the above discussion, I do not find any reason to entertain the writ petition. Accordingly, the writ petition stands dismissed. In case, the petitioner's right to collect the entry fee has been prevented and he files an application for remission, the Commissioner shall pass appropriate orders before the expiry of licence period. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

03.11.2025

Speaking order/non-speaking order

Index : Yes/no

Neutral Citation : Yes/No

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To

1. The District Collector
Thiruvallur District
Thiruvallur.
2. The Commissioner
Ponneri Municipality
Ponneri, Thiruvallur District.

V. LAKSHMINARAYANAN, J.



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