



W.P.(MD) No. 20259 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 20259 of 2025
and
W.M.P.(MD) No.15643 of 2025

B.Palanikumar

... Petitioner

Vs

The Commissioner,
Theni Alli Nagaram Municipality,
Theni, Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order issued by the respondent in his proceedings in Na.Ka.No. 3358/2023/aa3, dated 10.07.2023, quash the same and also consequently, direct the respondent to re-float the tender in respect of two wheeler parking at the Kamaraj Bus Stand (Old Bus Stand), Theni within time stipulated by this Court.

For petitioner : Mr. C.Jeganathan

For respondent : Mr.G.Kaleeswaran
Standing Counsel



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ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Standing Counsel for the respondent.

2. The petitioner was a successful bidder for two-wheeler parking in the year 2017. The contract, that was awarded for a period of three years, was extended till 2021, pursuant to the notice, dated 23.11.2020. Thereafter, the period was once again extended between 2024 and 2025. Meanwhile, a fresh Tender Notification was issued on nil.09.2024. However, on 25.10.2024, the said tender was cancelled on account of the proposed construction of the Rajavaikal (water body). This is captured in the order of this Court in W.P.(MD) No.18349 of 2025, dated 04.07.2025 filed by the same petitioner.

3. The said Writ Petition was filed for a Mandamus to direct the respondent to refloat the tender in respect of the two-wheeler parking at the Kamaraj Bus Stand (Old Bus Stand), Theni, within the stipulated time. After recording the submissions of the learned Standing Counsel for the respondent, this Court



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disposed of the said Writ Petition by directing the respondents to consider the petitioner's representation, dated 28.06.2025 and dispose of the same on merits within a period of eight (8) weeks from the date of receipt of that order. The impugned order now records the content of the said order and has directed the petitioner to vacate the premises.

4. The fact remains that the petitioner was awarded a contract from 2017 for a period of three years and was extended two times. Hence, the petitioner would have occupied the premises for almost a decade. The petitioner can expect that the respondent should issue a fresh tender and *vide* a fresh tender, the contract is awarded to the successful bidder. To that effect, the petitioner's plea is correct. However, the petitioner cannot insist the respondent that the petitioner should be allowed to continue to occupy the premises.

5. At this stage, it is informed by the learned Standing Counsel for the respondent that there are issues pending before the Hon'ble Division Bench of this Court in respect of the Rajavaikal and therefore, the respondent is not in a position to proceed with the tender at the moment. In fact, according to the



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respondent, there are directions to remove all the encroachments. Considering the same, this Writ Petition is liable to be dismissed.

6. However, it is open for the petitioner to move in the Writ Petition that is pending before the Hon'ble Division Bench of this Court for appropriate remedy.

7. This Writ Petition is dismissed, with the above liberty. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

25.07.2025

To
The Commissioner,
Theni Alli Nagaram Municipality,
Theni, Theni District.



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C.SARAVANAN, J.

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