
(2002) 03 MAD CK 0199

In the Madras High Court

Case No : Writ Petition No. 8599 of 2002 and W.P.M.P. No's. 11721 and 11722 of 2002

Duraipandi

APPELLANT

Vs

The Commissioner, Madurai Corporation, Madurai

RESPONDENT

Date of Decision : 14-03-2002

Acts Referred:

Citation : (2002) 03 MAD CK 0199

Hon'ble Judges : A. Kulasekaran, J

Bench : Single Bench

Advocate : V. Lakshminarayanan, for the Appellant; P. Srinivas, for the Respondent

Final Decision : Dismissed

Judgement

A. Kulasekaran, J.—The petitioner has filed the above writ petition seeking for a writ of certiorarified mandamus to call for the records of the respondent in Procs.120 dated 26-02-2002 and quash the condition imposed under clause 12 (a) as illegal, arbitrary and without jurisdiction and further direct the respondent to renew the license for the petitioner for 2002-2003 as per G.O. Ms. No. 147 dated 13-12-2000.

2. Mr. Lakshminarayanan, learned counsel appearing for the petitioner argued that the petitioner participated in the auction dated 14-05-2001 for the collection of toll in the Kizhmart Street 2 Daily Market and offered highest amount of Rs.6,73,162/- for the period 14-05-2001 to 31-03-2002 which was knocked in favour of the petitioner, however the licence was issued from 24-05-2001. On 08-03-2002 the petitioner submitted an application to the respondent for extension of the lease for a further period of one year. The said representation was sent by registered post and it was received by the respondent on 11-03-2002. Even prior to the representation, the respondent council passed a resolution dated 26-02-2002 to grant lease for the next year by public auction of the said licence and other items. The respondent has published the same in the

district gazette and news papers fixing the date for sealed tender as 18-03-2002 and open auction as 19-03-2002. This writ petition has been filed by the petitioner on 11-03-2002 which came up for admission today. Admittedly, the petitioner has submitted his representation only on 08-03-2002, just two weeks prior to the expiry of the licence period; whereas the G.O.Ms. No.147 dated 30-12-2000 relied on by the petitioner for the renewal of licence stipulates that licensee shall exercise their option three months prior to the period of expiry.

3. Though the petitioner has challenged clause 12 (a) of the auction condition, arguments were advanced only for the renewal of licence as per the provisions of G.O.Ms. No. 147 dated 30-12-2000. The renewal application is the first stage for exercising the option under the said G.O. which itself was filed after the expiry of the period stipulated as such the petitioner is not entitled to the benefits of the G.O. The conditions, particularly condition No. 12 (a) of the tender is enforceable on the person/persons who participate in the auction, while so ,the petitioner is not entitled to question the reasonableness of the same.

4. I do not find any valid reason to interfere in the auction scheduled to be held on 20-03-2002 or its conditions. No valid reason is assigned by the petitioner for interference also. Hence the writ petition is liable to be dismissed and accordingly dismissed. However, in the circumstance of the case, there shall be no order as to costs. Consequently, connected WPMPs are also closed.