

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1219 of 2015
and
M.P.No.1 of 2015

Arasakumaran

...Appellant/Petitioner

Vs.

1. The State of Tamil Nadu,
rep by its Secretary to Government,
Local Administration Department,
Fort St. George,
Chennai.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Kallakurichi Municipality,
rep by its Commissioner,
Kallakurichi & P.O.,
Villupuram District.
4. Balakrishnan
5. Mrs.Selvi

...Respondents

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 16.07.2015 passed in W.P.No.21406 of 2015.

Presented under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to conduct an auction in respect of shop No.11 in the municipal shopping complex at

Kallakurichi within a time frame and to permit the petitioner to take part in the said auction and to announce the result.

For Appellant : Mrs.K.Jenitha

JUDGMENT

(The Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal arises from the order dated 16th July, 2015 passed in W.P.No.21406 of 2015, whereby the writ petition preferred by the appellant herein was dismissed.

2 The writ petitioner/appellant herein filed the aforesaid writ petition, seeking a direction to the third respondent to conduct auction in respect of Shop No.11 in the municipal shopping complex at Kallakurichi within the time frame and also to permit the petitioner / appellant to participate in the said auction.

3 The learned Single Judge, recording the fact that the petitioner has already been allotted shop No.41 for more than 20 years, when the fifth respondent was allotted Shop No.11 just three years ago and as such, a direction at the instance of the appellant to hold public auction again for the purpose of re-allotment of shop No.11 was found as improper.

4 We have examined all facts of the case. There is no denial of the fact that the appellant is in possession of Shop No.41. Shop No.11 was allotted to fifth respondent properly. There is no reason to direct the third respondent to reconsider the allotment of Shop No.11 by public auction, particularly at the instance of the appellant. The appeal is bereft of merit. There is nothing on record to take contrary view than the one taken by the learned Single Judge.

5 Resultantly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vvk

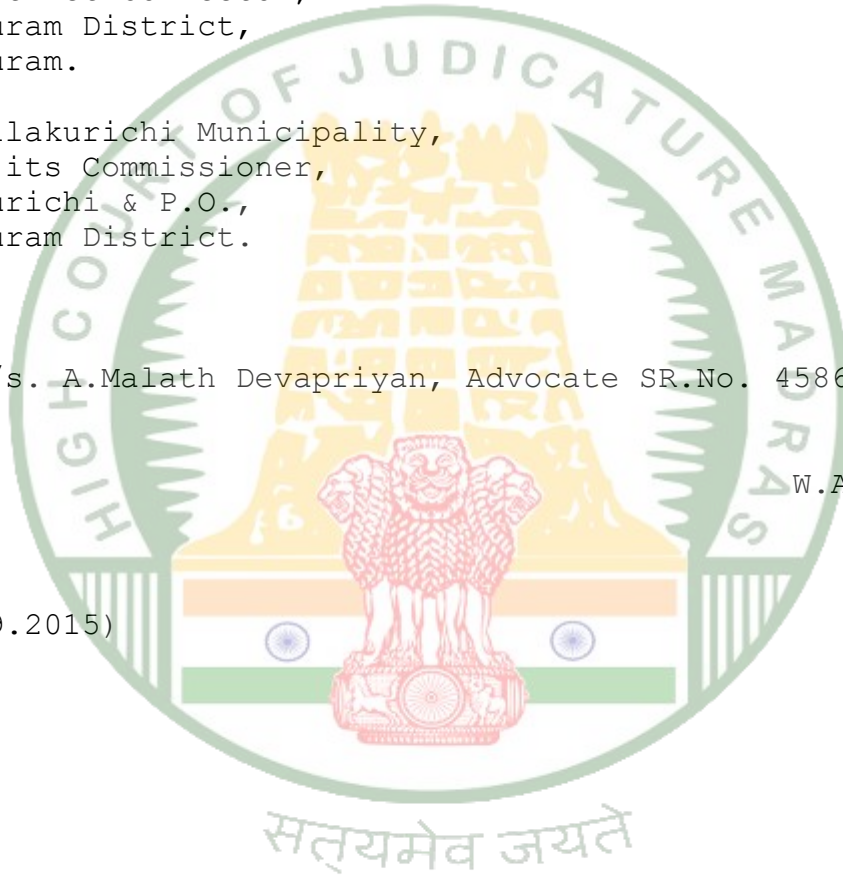
To

1. The Secretary to Government,
The State of Tamil Nadu,
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Chennai.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Kallakurichi Municipality,
rep by its Commissioner,
Kallakurichi & P.O.,
Villupuram District.

1 CC to M/s. A.Malath Devapriyan, Advocate SR.No. 45863

W.A.No.1219 of 2015

TEJ (CO)
PSI (18.09.2015)



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