

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.537 of 2015
and
M.P.No.1 of 2015

M.Velmurugan

... Appellant

Vs.

1. The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai,
Nagapattinam District.
2. The Chairman,
Mayiladuthurai Municipality,
Mayiladuthurai,
Nagapattinam District.

... Respondents

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 12.3.2015 made in W.P.No.6473 of 2015.

Writ Petition filed under Article 226 of the Constitution of India, praying for the Issuance of a Writ of Certiorarified Mandamus to call for the records relating to the auction notice dt 9.1.2015 conducted by the 1st respondent for the period 2015-2018 in respect of collection charges from all shops in the Fish Market with in the Mayiladuthurai Municipality, which was listed as item 13, in the tender cum auction notice; to quash the same and consequently direct the 1st respondent to conduct a re-auction in respect of the collection charges from all shops in the Fish Market with in the Mayiladuthurai Municipality.

For Appellant : Mr.S.Rajasekar
for Mr.S.R.Samithurai

For Respondents : Mr.P.S.Sivashanmugasundaram,
Spl.G.P.

JUDGMENT

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

The instant intra-court appeal is directed against the order dated 12.3.2015 passed in W.P.No.6473 of 2015.

2. Questioning the auction notice dated 9.1.2015 for the period 2015-18 in respect of collection charges from all shops in the Fish market within the Mayiladuthurai municipality, the petitioner has come up with the writ petition being W.P.No.6473 of 2015, seeking to quash the tender-cum- auction notice and also seeking consequential direction to the first respondent to conduct re-auction in respect of collection charges from all shops in the fish market within the Mayiladuthurai municipality.

3. The learned Single Judge, having regard to the fact that public auction was conducted on 29.01.2015, wherein the petitioner did not submit the tender form for participation in the proceedings and the auction was concluded, and also successful bidder was awarded the contract and the petitioner has come up with the petition only after a period of 36 days delay to question the legality and validity of the proceedings, has dismissed the writ petition holding no merit.

4. The writ petitioner / appellant herein, being aggrieved, has filed the instant appeal primarily on the ground that though the writ petitioner had dropped the tender form, however the same could not be opened in the auction proceedings. The highest bid amount was much less than they offered. सत्यमेव जयते

5. Be that as it may, if the appellant was not allowed to participate in the auction proceedings, despite having submitted the form, the appellant ought to have approached this Court immediately after the auction was conducted on 29.1.2015. The appellant had chosen to file the instant writ petition in March, 2015. By that time, the successful bidder was awarded the contract. The appellant had also not made the successful bidder as party respondent and as such, at this stage, the learned single Judge had rightly dismissed

the writ petition, holding that the petitioner therein did not participate in the proceedings and also had approached the court belatedly, without going into the merits of the case.

6. We have examined all facts of the case and also perused the pleadings and documents appended thereto.

7. We have not found any infirmity or irregularity or irrationality in the view taken by the learned Single Judge, warranting contrary view. The appellant has also not produced any other materials contrary to the fact recorded by the learned Single Judge. Thus, we confirm the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai,
Nagapattinam District.
2. The Chairman,
Mayiladuthurai Municipality,
Mayiladuthurai,
Nagapattinam District.

+1cc to M/s.S.R.Samithurai, Advocate, S.R.No.18412

W.A.No.537 of 2015

CA(CO)
CA(16/04/2015)

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