

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21406 of 2015

Arasakumaran
S/o Annamalai Gounder

.. 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. Mr.Balakrishnan
5. Mrs.Selvi

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third 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 Petitioner :: Ms.A.Malath Devapriyam

For Respondents :: Mr.V.Subbiah
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed by Mr.Arasakumaran seeking a writ of mandamus, directing the third 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.

2. Learned counsel for the petitioner submitted that the action of the third respondent in allotting shop No.41 alone to the petitioner, refusing to allot shop No.11 and wrongly allotting shop No.11 to the fifth respondent, is nothing but arbitrary exercise of power, therefore, with regard to shop No.11, since three years lease period is over, a direction should be given to conduct public auction.

3. But this Court finds no merits whatsoever in the prayer of the petitioner, for the simple reason that when the petitioner has been in physical possession and doing business in shop No.41 for more than 20 years, it is highly improper on the part of the petitioner to seek a direction to hold public auction with regard to shop No.11, which has been allotted to the fifth respondent just three years ago. Hence, the writ petition stands dismissed. Consequently, M.P.No.1 of 2015 is also dismissed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
Local Administration Department
Fort St.George
Chennai 600 009

2. The District Collector
Villupuram District
Villupuram

3. The Commissioner
Kallakurichi Municipality
Kallakurichi & P.O.,
Villupuram District

+1cc to Mr.A.Malath Devaprikyam, Advocate sr.no 36191
+1cc to Government pleader sr.no.36436

W.P.No.21406 of 2015

vgi[co]
srg 03.08.2015