

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22822 of 2015

And

M.P.Nos.1 of 2015

S.V.Muruganantham

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St.George,
Chennai - 600 009.

2. The Chairman,
Udumalpet Municipality,
Udumalpet, Thiruppur District,

3. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Declaration declaring the Resolution passed by the 2nd respondent in Resolution No.1789 dated 1.4.2015 and consequential Tender Notice dated 21.04.2015 issued by the 3rd respondent as being ultra vires to G.O.(Ms) No.92, Municipal Administration and Water Supply Department (MAWS) (Na.Ni4) dated 3.7.2007.

For Petitioner : Mr.R.Nalliyappan

For Respondents: Mr.A.Kumar, Spl.G.P. for R.1
Mr.B.Anand for RR.2 and 3

ORDER

This Writ Petition has been filed by S.V.Muruganantham seeking the relief of issuance of Writ of Declaration declaring the Resolution passed by the 2nd respondent in Resolution No.1789 dated 1.4.2015 and consequential Tender Notice dated 21.04.2015 issued by the 3rd respondent as being ultra vires to G.O.(Ms) No.92, Municipal Administration and Water Supply Department (MAWS) (Na.Ni4) dated 3.7.2007.

2. Learned counsel appearing for the petitioner would submit that the petitioner has been carrying on business of tea and bakery at old Shop No.7 and New No.22 situated inside Central Bus Stand, Udumalpet Town as a lessee under Udumalpet Municipality after the said shop was allotted to him as per Order dated 24.08.2010. The allotment order was also based on the G.O.(Ms) No.92, Municipal Administration and Water Supply Department (MAWS) (Na.Ni4) dated 3.7.2007. The Municipality has fixed Rs.3,468/- as monthly rent for the said shop with a direction to pay the service tax also. The petitioner has been paying the said monthly rent and service tax without any default. Therefore, the grievance of the petitioner is that since he was allotted the above said shop he is entitled to get an automatic renewal for another six years, which would expire only on 23.4.2019. Therefore, the respondents are not right in disturbing the petitioner during the subsistence of the previous lease, which has commenced only in the year 2010.

3. Learned Standing counsel appearing for respondents 2 and 3 submitted that the present writ petition is not maintainable for the reason that the petitioner had already taken part in the public auction held on 21.4.2015 and his highest offer of Rs.12,000/- per month has been accepted.

4. As the petitioner has already taken part in the public auction held by the Udumalpet Municipality on 21.4.2015 and his offer of Rs.12,000/- per month for the shop has been accepted, nothing survives for adjudication in this writ petition.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George,
Chennai - 600 009.

2. The Chairman,
Udumalpet Municipality,
Udumalpet, Thiruppur District,

3. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.

+1cc to the Government Pleader, S.R.No.38729

ALA(CO)
EU(20/08/2015)

W.P.No.22822 of 2015



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