

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.26922 of 2015
a n d
M.P.No.1 of 2015

Mr.Jothikannan

...Petitioner

Vs

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

2. The Chairman
Udumalpet Municipality
Udumalpet
Tirupure District.

3. The Commissioner
Udumalpet Municipality
Udumalpet
Tirupure District.

4. Mr.P.Chinnaraj
The Councillor
Udumalpet Municipality
Udumalpet.

(R.4 is suo motu impleaded as per order
dated 16/9/2015 in W.P.No.26794,
22675, 26346, 26869, 26385,
26922, 27204 of 2015)

...Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration, declaring the Resolution passed by the second respondent in

Resolution No.1789 dated 1/4/2015 and the consequential Tender Notice dated 21/4/2015 issued by the third respondent as being ultravires in pursuant to G.O.Ms.No.92 Municipal Administration & Water Supply Department (MAWS) (NA.NI4) (dated 3/7/2007.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.R.Rajeswaran
Special Government Pleader
for R.1.

Mr.A.S.Thambusamy
for R.R.2 and 3.

O R D E R

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. Heard Mr.A.Saranraj, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader for the first respondent and Mr.A.S.Thambusamy, learned counsel appearing for the respondents 2 and 3.

3. This writ petition has been filed praying to declare the Resolution passed by the second respondent in Resolution No.1789 dated 1/4/2015 and the consequential Tender Notice dated 21/4/2015 issued by the third respondent as being ultravires in pursuant to G.O.Ms.No.92 Municipal Administration & Water Supply Department (MAWS) (NA.NI4) (dated 3/7/2007.

4. Though the petitioner has questioned the impugned auction conducted by the third respondent Municipality, the learned counsel appearing for the petitioner submits that the petitioner is willing to pay the market rate as fixed by the third respondent Municipality and is willing to go before the Municipality and make his offer.

5. In the light of the above, challenge to the auction conducted by the third respondent has to necessarily fail.

6. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to approach the third respondent with his offer to pay the market rate as fixed by the third respondent and on receipt of the same, the third

respondent shall consider the case of the petitioner as he is agreeable to pay the market value. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George
Chennai 600 009.
2. The Chairman
Udumalpet Municipality
Udumalpet
Tirupure District.
3. The Commissioner
Udumalpet Municipality
Udumalpet
Tirupure District.

1 CC to Mr.A.S.Thambusamy, Advocate SR.No. 62222

1 CC to the Government Pleader, SR.No. 62450

W.P.No.26922 of 2015

MP (CO)

PSI (08.12.2015)

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