

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.3890 of 2015 &
M.P.Nos.1 & 2 of 2015

1.S.Arunkumar

2.P.Kuppusamy

.. Petitioners

Vs.

The Executive Officer
Muthur Town Panchayat,
Muthur, Tiruppur District.

.. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.156/2013, dated 04.02.2015, and quash the same and consequently direct the respondent to handover the Shop Nos. 7 to 11 at Commercial Complex, Kangayam Road, Muthur, Kangayam Taluk, Tiruppur District to the petitioners.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.M.L.Mahendran
Government Advocate

सत्यमेव जयते
O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.C.Prakasam, learned Counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing for respondent.

3.The petitioners seek for quashing the impugned order passed by the respondent dated 04.02.2015, and to direct the respondent to handover the Shop Nos. 7 to 11 at Commercial Complex, Kangayam Road, Muthur, Kangayam Taluk, Tiruppur District to the petitioners.

4. When the Writ Petition came up for admission on 16.2.2015, the same was directed to be tagged along with W.P.No.11412 of 2014. The said Writ Petition along with connected matters were disposed by this Court on 27.01.2015 by passing the following order:

"Heard the learned counsel for both sides and perused the materials available on record.

2. In all these writ petitions, the petitioners seek for the issuance of a writ of mandamus, forbearing the respondent from bringing the shops for auction in the bus stand complex in Muthur, Tiruppur District. At the time, when the writ petitions were entertained, an interim order was passed on 22.04.2014, which reads as follows:

"Auction will be conducted as scheduled. The petitioners shall participate in the auction. But the confirmation of the auction alone is stayed. Notice."

3. The learned standing counsel appearing for the Town Panchayat, on instructions, submitted that the Town Panchayat has decided to conduct fresh auction by cancelling the earlier auction, which is the subject matter in these writ petitions.

4. Accordingly, these writ petitions are disposed of with a direction to the respondent to conduct fresh auction by following the procedure as contemplated under the Rules and in such auction, the petitioners are entitled to participate. No costs. Consequently, connected miscellaneous petitions are closed."

5. Since the relief sought for in this Writ Petition is identical, this Writ Petition is also disposed on the same line. No costs. Consequently, connected Miscellaneous Petitions are closed.

rpa

-s/d-

Assistant Registrar (CS-III)

Dt: 20/2/2015

True Copy

Sub-Assistant Registrar

To

The Executive Officer
Muthur Town Panchayat,
Muthur, Tiruppur District.

+ 1 cc to Mr.C.Prakasam, Advocate SR 9388

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W.P. No.3890 of 2015



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