

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.6471 to 6473 of 2015

M.P.Nos.1 and 2 of 2015 (in each petitions)

R.Gopinath ... Petitioner in W.P.No. 6471 of 2015

R.Sivakumar ... Petitioner in W.P.No. 6472 of 2015

M.Velmurugan ... Petitioner in W.P.No. 6473 of 2015

vs.

1. The Commissioner
Mayiladuthurai Municipality
Mayiladuthurai
Nagapattinam District.

2. The Chairman
Mayiladuthurai Municipality
Mayiladuthurai
Nagapattinam District.

.. Respondents in all W.Ps.

Writ petitions 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 dated 09.01.2015 conducted by the first respondent for the period 2015-2018 in respect of the collection charges from the (i) staying rooms situated at Bus Stand in Mayiladuthurai, which was listed as item No.1, (ii) western side toilets situated at Kittappa Market of Mayiladuthurai, which was listed as item No.5 and (iii) all shops in the Fish Market within the Mayiladuthurai Municipality, which was listed as item 13 respectively, in the tender cum auction notice; to quash the same and consequently direct the first respondent to conduct a re-auction in respect of the collection charges from (i) staying rooms situated at Bus Stand in Mayiladuthurai, (ii) western side toilets situated at Kittappa Market of Mayiladuthurai and all shops in the Fish Market within the Mayiladuthurai respectively.

For Petitioners : Mr.S.Rajasekaran for
in all W.Ps. Mr.S.R.Samithurai

For Respondents : Mr.V.Jayaprakash Narayanan
in all W.Ps. Special Government Pleader

COMMON ORDER

Heard Mr.S.Rajasekaran, learned counsel appearing for the petitioners and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of the respondents.

2. The petitioners, in these writ petitions, seek for the issuance of a writ of certiorarified mandamus to quash the tender Notification issued by the first respondent for the period 2015-2018 in respect of collection charges relating to staying rooms situated at Bus Stand in Mayiladuthurai (ii) western side toilets situated at Kittappa Market of Mayiladuthurai and (iii) all shops in the Fish Market within the Mayiladuthurai Municipality alleging that certain persons with vested interest prevented the petitioners from participating in the tender. In this regard, the petitioners would place reliance on the paper news, which was published in the Tamil daily "Dina Thanthi" on 30.01.2015 stating that one of the members of a political party was assaulted during the tender process. Even at the time, when the writ petitions were listed for admission on 06.03.2015, this Court pointed out that the petitioners have approached this Court belatedly as the tender process was already over as early as on 29.01.2015 and these writ petitions were filed only on 06.03.2015. Therefore, the respondents were directed to get instructions in the matter and to file a counter affidavit.

3. Today, when the matters are taken up for hearing, the learned Additional Government Pleader, by relying upon the counter affidavit filed by the first respondent, submitted that as per the tender notice published, public auction was conducted on 29.01.2015; but the petitioners did not participate and they also did not submit their tender forms. It is further submitted that the tender was conducted peacefully in respect of all the 39 items and the Municipal Council has also approved the tender and declared the same in favour of the highest bidder vide Resolution No.17 dated 09.03.2015. Further all other allegations made by the petitioners, alleging that there were other problems were denied. It is also pointed out that the petitioners filed these writ petitions, 36 days after the public auction took place, which itself shows that the writ petitions are motivated. Further, with regard to the paper publication news relied on by the petitioner, relating to one Murugamani, who is alleged to have been prevented from participating in the tender, it is stated in the counter affidavit that the said Murugamani participated in the tender and he was declared as one of the successful bidder in respect of item No.4 of the tender notification.

4. In the light of the above, the petitioners have not made out any case, warranting interference in these writ petitions. Accordingly, all the writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Commissioner
Mayiladuthurai Municipality
Mayiladuthurai
Nagapattinam District.

2. The Chairman
Mayiladuthurai Municipality
Mayiladuthurai, Nagapattinam District.

+ 3C.C. to Mr.S.R.Samithurai, Advocate, SR.No.14048 TO 14050.

C.C. to Mr.V.Jayaprakash Narayanan, Advocate, .Sr.No.14250

WP.Nos.6471 to 6473 of 2015

KM(CO)
KP(25.03.2015)

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