



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **B.RAJENDRAN**

W.P. (MD) No.1892 of 2015

and

M.P.Nos.1 and 2 of 2015

S.Shankar

: Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai 600 009.

2.The District Collector,
Madurai District, Madurai.

3.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the impugned tender cum auction notification made in Na.Ka.No.27/2015/A1, dated 23.01.2015, issued by the third respondent insofar as in Sl.No.6 and quash the same and consequently direct the respondents 1 and 2 to dispose of the appeal dated 20.01.2015 filed under Section 36 of the Tamil Nadu District Municipalities Act, 1920.

For Petitioner	: Mr.K.Hemakarthiskeyan
For Respondent Nos.1&2	: Mr.S.Sadheeshkumar Additional Government Pleader
For Respondent No.3	: Mr.K.Guru Additional Government Pleader

ORDER

Mr.S.Sadheeshkumar, learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. The petitioner, aggrieved by the resolution passed by the third respondent - Municipality, preferred an appeal on



23.01.2015, before the District Collector, seeking to set aside the same. The said appeal is pending before the District Collector, Madurai, the second respondent herein. When the appeal is pending, the third respondent herein issued tender cum auction notification dated 23.01.2015, for leasing out the two-wheeler parking stand under the over head tank, near the Bus Stand and if any third party interest intervenes, the petitioner will put to a great hardship.

3. The learned Government Advocate appearing for the respondents would only contend that the District Collector is the competent authority to decide the issue and take action in this regard and the parties would abide by the orders to be passed by the District Collector in the pending appeal.

4. Taking into consideration of the above, more particularly, the auction is for the period commencing from 01.04.2015 alone, suffice it to direct the second respondent herein to decide the appeal filed by the petitioner by then.

5. Accordingly, the second respondent is directed to consider the appeal filed by the petitioner dated 23.01.2015 and pass appropriate orders on merits and in accordance with law.

6. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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

2.The District Collector,
Madurai District, Madurai.

3.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.

+1cc to Mrs.K.HEMAKARTHIKEYAN,Advocate Sr.No.7265

+1cc to Spl.Government Pleader Sr.No. 7314

NB

AA/25.02.2015/2p- 6c/

ORDER MADE IN
W.P. (MD) No.1892 of 2015
16.02.2015