



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2015

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.21553 of 2015

and

MP (MD) No.1 of 2015

V.C.Vaithyalingam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Municipal Administration,
Fort St. George, Chennai.

2.The Executive Officer,
Sayalkudi Town Panchayat,
Sayalkudi,
Ramanathapuram District.

3.Mrs.V.Rajalakshmi

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.84/2014 dated 20.11.2015 on the file of the respondent No.2 and quash the same as illegal and consequently forbear the respondents from evicting the petitioners from the respective shops at Sayalkudi Town Panchayat Bus Stand, Sayalkudi, Ramanathapuram District within the time frame stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.K.Guru
	Additional Government Pleader
For R2	: Mr.V.R.Shanmuganathan

O R D E R

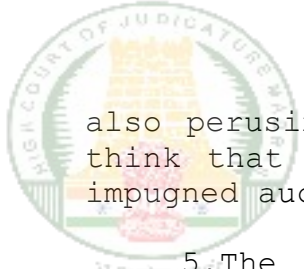
Mr.K.Guru, learned Additional Government Pleader takes notice for the first respondent. Mr.V.R.Shanmuganathan takes notice for the second respondent.

2.This writ petition is filed challenging the pre-auction notification issued by the second respondent in respect of certain shops belonging to the Sayalkudi Town Panchayat.

3.Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Upon hearing the learned counsel appearing for the petitioner and



also perusing the reasons stated in the accompanying affidavit I do not think that the petitioner has made out a case for interfering with the impugned auction notice.

5. The main contention raised by the learned counsel appearing for the petitioner is that the petitioner is being victimized by bringing his shop alone for re-auction along with some other shops whereas so many other shops are not notified in the impugned auction notice. Admittedly, the lease period granted in favour of the petitioner to run the shop is already over in respect of shop No.2. Therefore, the petitioner cannot find fault with the second respondent in bringing the shop along with other shops for public auction. When competent authority has issued auction notice inviting public to take part in the auction, I do not think that the petitioner can have any grievance in challenging the notice as he is entitled to take part in the auction proceedings. If there are some other shops left out as contended by the petitioner, that cannot be a reason to stall the present auction notification, as it is for the second respondent to take a decision as to which are the shops to be brought for auction immediately and which are the shops which can be brought for auction after expiry of such lease period in respect of those shops. In any event, as the above said contention raised by the petitioner regarding the left out shops cannot be a valid ground for interfering with the auction proceedings impugned in this writ petition, I find no merits in this writ petition. Accordingly, the same is dismissed. No costs. Consequently, connected M.P.S. are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

CM

To

1. The Principal Secretary, Department of Municipal Administration, Fort St. George, Chennai.

2. The Executive Officer, Sayalkudi Town Panchayat, Sayalkudi, Ramanathapuram District.

+1CC to Mr. T. Lajapathiroy Advocate Sr.No.69369

+1CC to Spl. Government Pleader Sr.No.69091

GJM/AAL/MPA/14.12.2015-2P-5C

W.P (MD) No.21553 of 2015
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