



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.4122 of 2015

and

M.P. (MD) No.1 of 2015

S.Nagarajan

... Petitioner

Vs.

1.The Secretary,
State of Tamil Nadu,
Municipal Administration,
Chennai 600 009.

2.The Commissioner,
O/o Commissioner Municipal Administration,
Ezhilagam, VI Floor,
Seepakam,
Chennai 600 005.

3.The District Collector,
Ramanathapuram District.

4.The Commissioner,
Ramathapuram Municipality,
Ramanathapuram District.

5.Saravanan

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to take necessary action to cancel the auction held on 05.06.2013 in regarding to the building belongs to the 4th respondent Municipality situated at Western side of Kettai Vetti Oorani nearby bus stand on N.H.210 to an extent of 2500 sq.ft. which was auctioned a sum of Rs.10.700 (ten thousand seven hundred only) as a monthly rent to the fifth respondent herein based on the petitioner representation dated 10.06.2013, 23.06.2014, 23.07.2014, respectively, the consequently, direct the 4th respondent to reauction the building in open tender under the Tender Transparency Act.



For Petitioner : Mr.D.Balamurugapandi
For Respondents : Mr.A.K.Baskarapandian,
Spl.G.P.for R1 to 4

WEB COPY

O R D E R**(Order of this Court was made by S.TAMILVANAN,J.)**

The Writ petition has been filed seeking an order in the nature of Writ of Mandamus, directing the fourth respondent to cancel the action held on 05.06.2013 with regard to the building belong to the fourth respondent Municipality.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 4.

3.According to the petitioner, the fifth respondent was the successful bidder and the auction is for a sum of Rs.10,700/-. It is also submitted by the petitioner that he sent representations dated 10.06.2013, 23.06.2014 and 23.07.2014 to the fourth respondent to re-auction the building in open tender and to have transparency in the auction as per Tender Transparency Act. The petitioner has stated that since 1996 he is the councillor to the said Municipality representing 10th ward and also a leader of a political party, having public interest.

4.It cannot be disputed that anyone can have public interest. If really there is a public interest, one can raise public interest invoking Article 226 of the Constitution of India. Here in this case, though the petitioner is a councillor, there was opportunity for him to raise the issue before the council meeting of the said Municipality, the same was not done by the petitioner for the reasons best known to him. As it is admittedly a property of the fourth respondent Municipality, they cannot keep the same idle, but, they can take decision for augmenting income from the property and there was a public auction. Even according to the petitioner, had there been no upset price for the bid amount, he could have raised it in the council meeting of the Municipality or if there is any fraud played in auctioning the property, in favour of the fifth respondent, he could have given a complaint before the District Collector. Directly approaching this Court without any supporting material would not be proper and that would be detrimental to the functioning of the municipal bodies. Merely based on certain allegations and sending representations against the Commissioner, Ramanathapuram Municipality and the fifth respondent, an individual, the petitioner cannot maintain the Writ petition in the nature of *pro bono publico*.



5. On the aforesaid facts and circumstances, we find it just and reasonable to dismiss the Writ petition. Accordingly, the Writ petition is dismissed. However, we made it clear that it is open to the petitioner to raise the issue by approaching the District Collector with sufficient supporting materials to seek proper redressal. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(A.E.,)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary, State of Tamil Nadu,
Municipal Administration, Chennai 600 009.

2. The Commissioner,
O/o Commissioner Municipal Administration,
Ezhilagam, VI Floor, Seeppakam, Chennai 600 005.

3. The District Collector, Ramanathapuram District.

4. The Commissioner,
Ramathapuram Municipality, Ramanathapuram District.

+1cc to Mr.D.Balamurugapandi, Advocate, in SR. No.14443/15.

+1cc to Special Government Pleader, in SR No.14524/15.

W.P. (MD) No.4122 of 2015
24.03.2015

nbj

msm 21.04.2015 p3/7c