

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.28267 of 2009

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents in not handing over the vacant plot to the petitioner in spite of approving the highest bid of the petitioner as illegal and void; and consequently direct the first respondent to handover the vacant plot of the petitioner by following the order of the second respondent in D.Dis.No.H2/44536/2007, dated 08.02.2008.

When the matter is taken up for hearing, learned counsel for the respondent submits that originally 118 shops and vacant plots were included in the auction, but seventeen plots, including the plot of the petitioner were also included in the said auction without notification. Subsequently, it was noticed that there were manipulations traced out relating to the seventeen plots, and as such, on that ground, the second respondent has cancelled the seventeen plots, vide D.Dis.No.H2/2268/2009, dated 28.05.2009. On the other hand, learned counsel for the petitioner submits that the respondents have no power to cancel the same without issuing notice to the petitioner and as such, prayed this Court to set aside the order passed by the second respondent cancelling the lease of the petitioner.

On hearing both sides and perusing the material available on record, this Court is of the view that even if the respondents are of the view that the petitioner has obtained the lease by playing fraud, the lease of the petitioner cannot be cancelled unilaterally without giving any notice to the petitioner, and that the petitioner should be given an opportunity of hearing.

The writ petition is disposed of with a direction to the respondents to issue notice to the petitioner as to why the lease of the petitioner shall not be cancelled, and on such issuance of notice, the petitioner is directed to give his explanation, and on such explanation, the respondents are further directed to pass appropriate orders considering the explanation of the petitioner. It is also directed that the entire process shall be completed within a period of six months from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. Consequently, the miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

20.04.2015

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