

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.10553 of 2015

and M.P.Nos.1 and 2 of 2015

J.Sudhakar

.. Petitioner

Versus

1. The Coimbatore City,
Municipal Corporation,
Rep. by its Commissioner,
Victoria Town Hall, Coimbatore - 641 001.

2. Kaliappan @ S.B.Suresh

.. Respondents

[R2 is suo-motu impleaded as per Order dated 17.8.15 by NKKJ in W.P.Nos.10553 & 10554 of 2015]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records pertaining to Tender called for Collection of Fees for the period of 2015 to 2018 as notified through the News Daily dated 10.03.2015 and the subsequent confirmation of Tender to an undisclosed person for a sum of Rs.51,03,000/- and quash the same and subsequently direct the respondent to re-tender the Collection of Fees for the period 2015-18 or accept and confirm the petitioner offer for Rs.53,50,533/-.

For Petitioner

: Mr.S.S.Rajesh

For Respondents

: Mr.S.Saravanan for
Mr.D.KrishnaKumar (for R1)
Mr.V.Achuthanandan (for R2)
for M/s.Pass Associates

O R D E R

Heard the learned counsel for the petitioner and Mr.S.Saravanan, learned counsel appearing for the 1st respondent and Mr.V.Achuthanandan, learned counsel appearing for the 2nd respondent.

2. Petitioner is one J.Sudhakar and he has filed this writ petition to issue a writ of certiorarified mandamus, to call for the records pertaining to the tender for collection of fees for the period 2015-18 as notified in the newspaper on 10.03.2015 and the subsequent order of confirmation of tender and to direct the respondents to re-tender the same.

3. From the perusal of the counter affidavit filed by the 1st respondent, it is seen that the petitioner had earlier filed a civil suit in O.S.No.186 of 2015 on the file of the 1st Additional District Munsif Court, Coimbatore, for a decree of permanent injunction and the Civil Court initially granted an order of interim injunction. Thereafter, the Corporation entered appearance, filed their counter and the civil Court has vacated the order of interim injunction on merits. It is not known whether the petitioner has challenged the order passed by the Civil Court or not. Hence, the petitioner cannot be permitted to pursue parallel remedies and the writ petition has to necessarily fail on the said ground.

4. Accordingly, the writ petition is dismissed and the interim order stands vacated. No costs. Consequently, the connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

ars
To

1. The Commissioner
The Municipal Corporation
Coimbatore City
victoria Town Hall
Coimbatore-641 001

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+1 cc to M/S.D.Krishnakumar Advocates sr.4225
+3 ccs to M/s. Pass Associates sr.9029
+1 cc to Mr.S.S.Rajesh Advocate sr.8959

W.P.No.10553 of 2015

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