

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.22675 of 2015

R.Vijayakumar

[PETITIONER]

Vs

- 1 The Secretary to Government
Municipal Administration & Water Supply Department
Fort st. George, Chennai-600 009.
- 2 The Chairman
Udumalpet Municipality
Udumalpet, Tirupur District.
- 3 The Municipal Commissioner
Udumalpet Municipality
Udumalpet, Tirupur District.
- 4 P_.Chinnaraj
The Councillor
Udumalpet Municipality
Udumalpet.

[R-4 is suo-motu impleaded as per
Order Dated:16/09/2015 in W.P.Nos.26794,
22675, 26346, 26869, 26385, 26922,
27204/2015]

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Declaration, to propounding the 3rd respondents covert UNDATED tender-cum-auction notice (signed on 17.07.2015) as ultra vires (A) R1-s G.O. (Ms) No.92 (dated 3.7.07); (B) R2-s Resolution No.1789 (dated 1.4.15); (C) Articles 14 & 21.

For Petitioner : Mr.K.Elango
for Mr.R.Mathankumar

For Respondents: Mr.A.S.Thambusamy
for Mr.B.Anand for R3

O R D E R

Heard Mr.K.Elango, learned Counsel appearing for the petitioner and Mr.A.S.Thambusamy, learned counsel accepting notice for the respondents and with their consent the Writ Petition is taken up for final disposal.

2.Though the prayer sought for by the petitioner is to quash the impugned auction notification, the prayer has virtually become infructuous, since on account of the interim order granted, the auction could not be conducted and therefore, the challenge to the impugned auction notification does not any longer survive.

3.The reason for the petitioner to approach this Court by way of this Writ Petition is on the ground that his representation dated 30.03.2015, requesting for extension of the lease by applying G.O.Ms.No.92. dated 03.07.2007, was not considered prior to the issuance of the impugned auction notification.

4.The learned counsel for the respondents fairly submitted that the third respondent may be directed to consider the petitioner's representation dated 30.03.2015, within a time frame.

5.In the light of the above stand taken by the parties, while holding that the prayer sought for in this writ petition has become infructuous, there will be a direction to the third respondent to consider the petitioner's representation dated 30.03.2015, and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

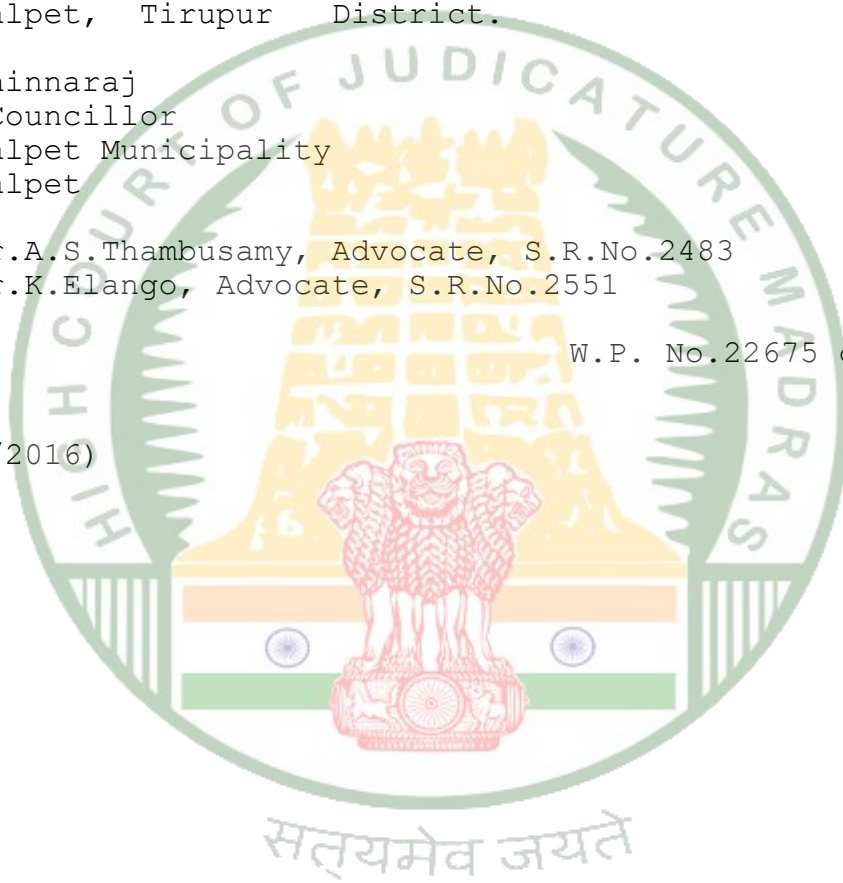
To

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Municipal Administration & Water Supply Department
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- 4 P .Chinnaraj
The Councillor
Udumalpet Municipality
Udumalpet

+1cc to Mr.A.S.Thambusamy, Advocate, S.R.No.2483
+1cc to Mr.K.Elango, Advocate, S.R.No.2551

W.P. No.22675 of 2015

msm(CO)
srg(27/01/2016)



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