

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.27034 of 2015

&

M.P.No.1 of 2015 and W.M.P.No.2903 of 2016

S.P.Gandhi

...Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-9.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Director.
Municipal Administration,
Ezhilagam Annex building.
VI Floor, Chepauk,
Chennai-5.

4.The Assistant Director,
Municipal Administration,
GST Road,
Chengalpattu.

5.The Commissioner,
Pallavaram Municipality,
Office at Chromepet,
Chennai-43.

6.S.Kesava Raj

7.S.Angelus
R7 impleaded as per order
of the Court dated 02.02.2016

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of declaration to declaring the re-auction cum re-tender conducted on 22.07.2015, which is mentioned in agenda No,31 dated 24.08.2015 placed by the 5th

respondent as null and void and consequently direct the 5th respondent to allot the shop No.1 to the petitioner as per the auction dated 15.05.2015.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.R.Rajeswaran, Spl.G.P for R1 to 4
Mr.P.Srinivas for R5

Mr.S.V.Vijay Prashanth for R7

O R D E R

This Court by order dated 02.02.2016, directed the matter be placed before the Tamilnadu Mediation and Conciliation Centre, attached to this Court to explore possibility of settlement and the interim order which was granted initially was extended until further orders. The matter went before the Mediation Centre and it is heartening to know that the parties have settled the matter and a report in this regard have been placed before this Court. For better appreciation, the terms of settlement as arrived at before the Mediation Centre is quoted herein below:

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The following parties to the Writ Petition are present this day:

1. Mr. S.P. Gandhi, Writ Petitioner
- 2.Mr. Sivakumar, Municipal Commissioner, Pallavapuram Municipality.
3. Mr. S. Kesavaraj, successful bidder for Shop No 1.
4. Mr. R. Baskar, successful bidder for Shop No 3.

2. Whereas the Writ Petitioner has challenged the subject placed for acceptance of the bids for the allotment of the shops in the auction held on 22-7-2015 and since the said process has been now stayed by the orders of the Court, the 3rd party Thiru S. Kesavaraj being the highest bidder for the Shop Number 1 in the auction held on 22-7-2015 expressed that he is not keen on the Shop number 1 and requested that any other shop may be allotted to him in the same set of shops numbering 20 that have been newly constructed.

3. The 4th party Mr. R. Baskar who is the successful bidder in respect of Shop Number 3 is not willing to maintain his bid for the shop number 3 in view of the prolonged litigation that has stalled the allotment of the shops and he offered to withdraw his bid for shop number 3. In view of such withdrawal, Mr. S. Kesavaraj expressed his willingness to take up the said shop instead of Shop number 1 for which he has made his bid in the auction on 22-7-2015.

4. Whereas the matter had been referred for Mediation in view of the fact that the Writ Petitioner was challenging the auction held on 22-7-2015 on various grounds and since it was a question of acceptance of the highest bid for the allotment of the shop, there is a possibility of getting a better bid for the shop rent by means of Mediation, the matter was referred for mediation and since the Writ Petitioner was also willing to offer a sum of Rs 12,300/- towards the bid on the monthly rent of the shop, the parties herein have agreed to settle the matter in the following manner.

Terms of settlement:

(i) The writ Petitioner will be allotted shop number 1 for a monthly rent of Rs 12,300/-. The 3rd party Mr. S. Kesavaraj will be allotted shop number 3, which is given up by Mr. Baskar. The Writ Petitioner further agrees and promises that he has no claim with regard to any other shop in the 20 newly constructed shops that were subjected to the auction.

ii) Mr. Baskar who is the successful bidder for the shop Number 3 agrees that he will not claim any right with regard to the shop Number 3 and gives up all his rights in regard to the bids submitted in the auction dated 22-7-2015 and the previous auctions if any that he has participated in respect of the said shops.

Iii) This agreement is entered into as a special measure of ensuring that there is no further financial loss to the Public revenue and in view of the fact that the matter has been pending with an interim order against

the allotment to any of the highest bidders for the 20 shops.

iv) The Municipality is entering into this arrangement under the express caveat that no such similar request will be entertained in future in respect of any such similar matter and only in view of the peculiar circumstances faced by it, the present settlement is reached. This will therefore not be treated as a precedent in respect of any other such similar dispute. "

Accordingly, the writ petition stands disposed of in terms of the settlement arrived at between the parties. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration,
and Water Supply Department,
Secretariat, Chennai-9.

2.The District Collector,
Kancheepuram District,
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3.The Director,
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4.The Assistant Director,
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GST Road,
Chengalpattu.

5.The Commissioner,
Pallavaram Municipality,
Office at Chromepet,
Chennai-43.

+1cc to M/S.S.V.Vijay Prashanth, Advocate sr.13225

+ 1 cc to Mr.P.Srinivas, Advocate Sr 13574 (8/3/16)

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ala(CO)
srg(03/03/2016)



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