

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.387 of 2011
and M.P.Nos.1 & 2 of 2011

K.V.Sasikumar

...Petitioner

Vs.

1. The Mayor,
Corporation of Salem,
Salem.
2. The Commissioner,
Corporation of Salem,
Salem.
3. The Assistant Commissioner,
Kondalampatti Ward Office -4,
Corporation of Salem, Salem.
4. The Assistant Revenue Officer,
Division-50,
Kondalampatti Ward Office,
Corporation of Salem, Salem.
5. The Assistant Revenue Officer,
Kondalampatti Ward Office,
Corporation of Salem, Salem.

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the order passed by the 2nd and 3rd Respondents passed in Na.Ka.No.1/586/2010 dated 24.12.2010 and consequently direct the Respondents to reinstate the tender rights in favour of the petitioner.

For Petitioner : Mr.R.Deepan
for Mr.G.Muthukumar

For RR 1 to 4 : Mr.G.Sankaran

For 5th Respondent: S.Navaneethan
Addl. Govt. Pleader

O R D E R

The prayer in the writ petition is challenging the order passed by the 2nd and 3rd Respondents in Na.Ka.No.1/586/2010 dated 24.12.2010 and also direct the Respondents to restore the tender rights in favour of the petitioner.

2. Heard Mr.Mr.R.Deepan, learned counsel for Mr.G.Muthukumar, learned counsel appearing for the petitioner and Mr.G.Sankaran, learned counsel appearing for the respondents 1 to 4 and Mr. S.Navaneethan, learned Additional Government Pleader appearing on behalf of the 5th respondent.

3. The Corporation, vide proceedings dated 24.12.2010 cancelled the licence granted to the petitioner for the reason stated that the petitioner has not deposited the auction amount of Rs.11,75,007/-. The Corporation also directed the petitioner to pay the arrears of bid amount as on 01.04.2010 to 31.12.2010 within a period of seven days. Hence the present Writ Petition has been filed challenging the above said order.

4. By order dated 10.01.2011, this Court, while admitting the Writ Petition, passed the following.

"There shall be an order of interim injunction and interim stay on condition that the petitioner shall pay the demanded amount namely, Rs.11,75,007/- within a period of four weeks before the first respondent, failing which, the interim order shall stand automatically vacated. Notice."

5. Today, the learned counsel for the petitioner submits that he has no instructions as to whether the said condition has been complied or not by the petitioner.

6. Admittedly, by now, the period of licence has expired and therefore, nothing survives for adjudication, in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

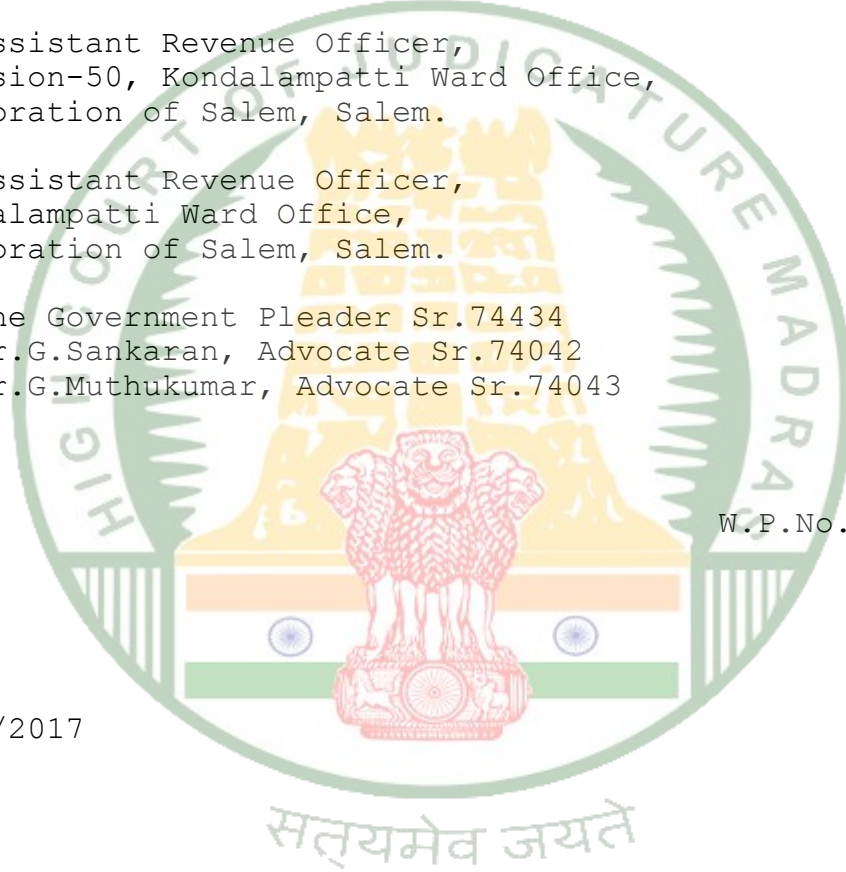
jv
To

1. The Mayor,
Corporation of Salem, Salem.
2. The Commissioner,
Corporation of Salem, Salem.
3. The Assistant Commissioner,
Kondalampatti Ward Office -4,
Corporation of Salem, Salem.
4. The Assistant Revenue Officer,
Division-50, Kondalampatti Ward Office,
Corporation of Salem, Salem.
5. The Assistant Revenue Officer,
Kondalampatti Ward Office,
Corporation of Salem, Salem.

+1cc to the Government Pleader Sr.74434
+1cc to Mr.G.Sankaran, Advocate Sr.74042
+1cc to Mr.G.Muthukumar, Advocate Sr.74043

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