

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.07.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P.No.24210 of 2016
and WMP.Nos.20685 and 20686 of 2016

C.Vincent

... Petitioner

Vs

The Executive Officer
Edangana Salai Grade I Town Panchayat
Edangana Salai Sangagiri Taluk
Salem District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the proceeding of the respondent in Na.Ka. No.636/2015/A1 dated 26.5.2016 and quash the same and consequently direct the respondent to renew the License in respect of Shop No.6, Mottur IDSMD (Block 2) Complex, Edangana Salai, Sangagiri Taluk, Salem District, on accepting the Enhanced Rent of Rs.2,710/- per month.

For petitioner : C.K.M.Appaji

For Respondents : Mr.M.Karthikeyan, GA

ORDER

Mr.M.Karthikeyan, learned Government Advocate takes notice for the respondent.

2. The petitioner was a lessee under the respondent in respect of Shop No.6, Mottur IDSMD (Block 2) Complex from 2006 onwards. Subsequently, the lease came to an end. Therefore, the respondent made arrangements to bring the shop in question for auction. Tender applications were called for, auction was conducted, the petitioner had also participated in the auction. In the said auction, while the petitioner had quoted a sum of Rs.1,900/-, one Muthu Manickam had quoted a sum of Rs.2,610/- and finally tender has been granted and the shop was allotted to the said Muthu Mancikam. Therefore, the petitioner approached this Court after giving a representation on 26.03.2016 by filing

W.P.No.12698 of 2016 to consider the said representation and pass orders allowing him to retain the said Shop No.6 on payment of rent of Rs.2,710/- per month. The said writ petition was disposed of by this Court by order dated 05.04.2016, and this Court, while declining to grant any positive direction, directed the respondent to consider and pass orders on the representation of the petitioner on merits. Pursuant to the same, the present impugned order has been passed. Challenging the same, this writ petition has been filed.

3. Heard the learned counsel for the petitioner and Mr.M.Karthikeyan, learned Government Advocate, appearing on behalf of the respondent.

4. A perusal of the impugned order dated 26.05.2016 would reveal that auction was conducted in respect of the Shop in question, in which the petitioner had also participated. It further reveals that in the said auction, while the petitioner had quoted a sum of Rs.1,900/-, one Muthu Manickam had quoted a sum of Rs.2,610/-, the auction proceedings were over as early as on 29.02.2016 and only thereafter on 28.03.2016, the petitioner had quoted a sum of Rs.2,710/- as his bid amount, which was rejected by the respondent in the impugned order.

5. When the petitioner had participated in the auction by quoting a sum of Rs.1,900/- and when the auction proceedings are over as early as on 29.02.2016 allotting the Shop in question in favour of Muthu Manickam, who quoted a sum of Rs.2,610/-, the conduct of the petitioner in quoting the bid amount as Rs.2,710/- by adding a sum of Rs.100/- more than what was quoted by Muthu Manickam, is only an after thought, which is not permissible. This Court is of the considered view that the respondent is right in rejecting the belated bid submitted by the petitioner. Therefore, the writ petition fails and the same is dismissed. No costs. Connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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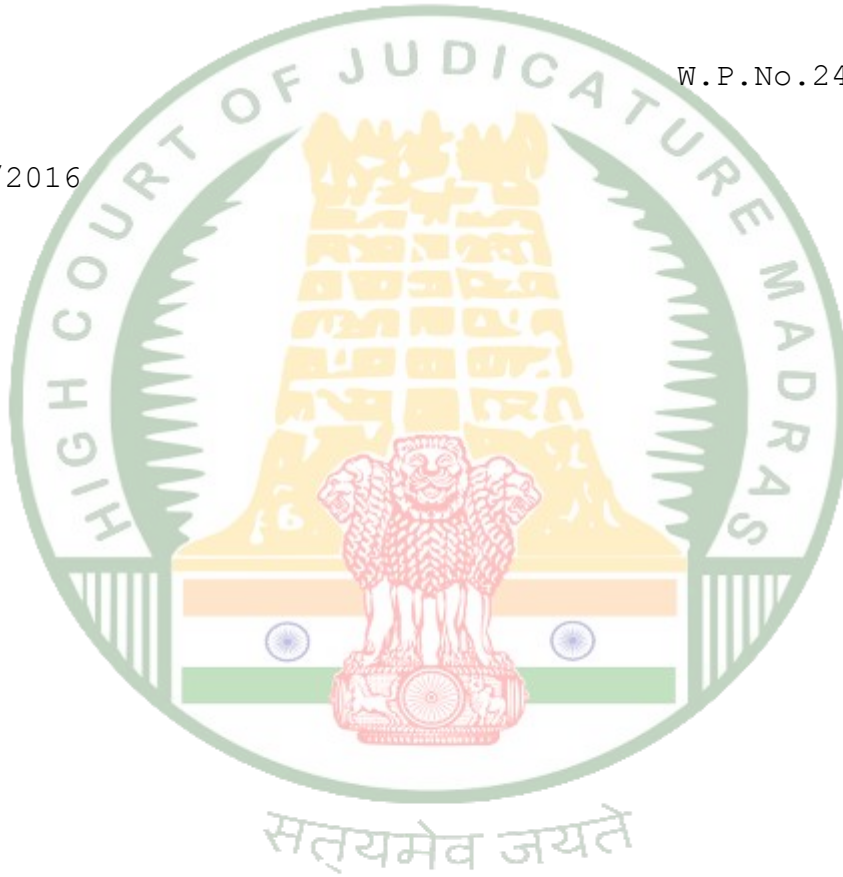
To

The Executive Officer
Edangana Salai Grade I Town Panchayat
Edangana Salai Sangagiri Taluk
Salem District.

+1cc to Mr.C.K.M.Appaji, Advocate Sr.40168
+1cc to Mr.Karthikeyan, Advocate Sr.39369

W.P.No.24210 of 2016

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srg 28/07/2016



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