



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.11520 of 2016

and

W.M.P. (MD) .Nos.8809 and 8810 of 2016

Kundumalai

... Petitioner

Vs

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Executive Officer,
Special Grade Town Panchayat,
Tirupuvanam, Sivagangai District. ... Respondents

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 impugned auction notice dated 13.06.2016 in Na.Ka.No.A1/400/2016 and quash the same and consequently direct the second respondent to conduct the public auction after issuing notice to all the intending tenderers and also after issuing public notice.

For petitioner : M/s.Chamundi Bose
For R.1 : Mr.R.Anandharaj
Government Advocate
For R.2 : Mr.G.Muthukannan

ORDER

Mr.Kundumalai, challenges the impugned order dated 13.06.2016 issued by the second respondent, namely, Executive Officer, Special Grade Town Panchayat, Tirupuvanam, Sivagangai District, wherein, the second respondent has decided to conduct for public auction with regard to 'pay and use toilet' in daily market at Sivagangai District.

2. The grievance of the petitioner is that, when the petitioner is anxiously waiting for participation in the public auction, the second respondent has issued the auction notice only to the selected bidders of his own choice fixing the auction date on 29.06.2016. In other words, it has not been properly displayed to the intending tenderers. Therefore, the petitioner has preferred this Writ Petition.



3. Per contra, learned Government Advocate appearing for the second respondent submitted that he has already issued a notice to the petitioner on 19.04.2016 asking the petitioner to renew his Insolvency Certificate, as the same was expired on 13.06.2016. Without doing so, he has come forward with the present Writ Petition. In any event, if he renews his Insolvency Certificate and produces the same before the second respondent, the petitioner will be permitted to participate in the auction to be held on 29.06.2016.

4. In view of paucity of time, the petitioner is directed to produce the relevant documents including the renewal Insolvency Certificate today (i.e.28.06.2016) by 5.00 p.m., to enable the second respondent to consider the request of the petitioner. On such production of the documents, the second respondent shall consider the same and pass appropriate orders. In the mean while, due to paucity of time, learned Government Advocate appearing for the second respondent is directed to inform the respondents on the development that has place today.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Executive Officer,
Special Grade Town Panchayat,
Tirupuvanam, Sivagangai District.

+1CC to M/S.Chamundi Bose, Advocate, SR.No. 33569

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