



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.11903 of 2016

and

W.M.P. (MD)No.9115 of 2016

M.Karuppasamy

... Petitioner

Vs.

The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned re-tender notification by the respondent dated 27.06.2016 so for as item No.2 is concerned, quash the same and consequently directing the respondent to declare the petitioner as the successful bidder in the auction held on 16.06.2016.

For petitioner : Mr.S.Ramasamy

For respondent : Mr.Muthu Geethaian

ORDER

The petitioner, Mr.M.Karuppasamy, has come to this Court challenging the auction notification dated 27.06.2016 in respect of Item No.2 to quash the same with a consequential direction to the respondent to declare him as a successful bidder in the auction held on 16.06.2016.

2. Mr.Muthu Geethaian, learned Counsel takes notice for the respondent.

3. The learned Counsel appearing for the petitioner would submit that when a tender notice was issued by the Commissioner, Virudhunagar Municipality on 23.06.2016 auctioning various items in the Virudhuagar Municipal area including to collect the fee at goat slaughter house at Annai Sivagamipuram, T.T.K.Road, Virudhunagar for the year 2016-2019 for three years, the



petitioner took part in the tender and his tender was also opened on 18.02.2016 at 11.30 a.m. But no other person took part in the tender. Therefore, the tender notification was called for once again on 26.02.2016, for which, the petitioner offered a sum of Rs.2,16,700/-. But the respondent has not taken any decision. Again, a tender was called on 16.06.2016. Once again, the petitioner took part in the tender proceedings and offered a sum of Rs.3,16,000/- among four bidders and he has been declared as a highest bidder. While so, without assigning any reason, it is pleaded that the respondent has once again called for another tender notification for the same item on 26.07.2016 scheduled to be held on 12.07.2016 at 11.30 a.m. in the office of the respondent, for which, the petitioner sent a representation to the respondent through RPAD on 28.06.2016, however the same has not been considered.

4. The petitioner has complied with all the conditions mentioned in the tender notification including the deposit of Rs.50,000/- besides producing solvency certificate. Further when he was declared as a highest bidder for the year 2015-2018 in respect of item No.2, he pleaded it is not open to the respondent to bring the property once again for auction.

5. Opposing the above said prayer, learned Counsel appearing for the respondent urged this Court to dismiss the writ petition, since the petitioner has not placed all the necessary facts before this Court. Adding further, he would submit that when the petitioner has offered a highest bid amount of Rs.6,66,000/- only for the period of 2015-2016, he has to pay sum of Rs.6,66,000/- plus 5% increase thereon as per clause (d) of the tender conditions which contemplates the payment of Rs.6,66,000/- ie., the amount already paid + 5% increase thereon for the next year once again. At the same time, he should not suffer with any default of arrears. When a notice was issued by the respondent calling upon the petitioner to pay the amount for the next year with 5% increase thereon, the petitioner did not come forward to pay the amount. Since the petitioner is being disqualified as per the terms and conditions mentioned in the auction notice No.1 of 2015 by not paying the arrears, the respondent was compelled to bring the property for public auction.

6. I find merit in the submissions made by the learned Counsel for the respondent. The reason is, when the petitioner was declared as a highest bidder for the bid amount of Rs.6,66,000/- for the period 2015-2018, as per the terms and conditions of the tender notification, he should have paid the said amount along with 5% increase thereon. But the petitioner has miserably failed to comply with the said condition, which necessitated the respondent to bring the property for public auction. Therefore the petitioner has no *locus standi* to challenge the impugned tender. Accordingly, the writ petition fails and the same is



dismissed. No costs. Consequently, connected Miscellaneous
Petition is also dismissed.

Sd/-
Assistant Registrar(P&A)

/True copy/

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Sub Assistant Registrar

To
The Commissioner,
Virudhunagar Municipality, Virudhunagar.

+1 cc to M/s.S.Ramasamy, Advocate in SR.No.35237
+1 cc to M/s.M.Muthu Geethayan, Advocate in SR.No.35251

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CSL/ARK-PV/26.07.2016 : 3p/4c

W.P(MD)No.11903 of 2016

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