



Prayer in WP(MD). 19432/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus to call for the records pertaining to the Impugned Re-Tender Notification dated 12.07.2016 along with additional tender condition dated 18.07.2016 on the file of the Respondent No.3 and the consequential impugned order dated 23.07.2016 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction directing the respondents to conduct retender/public auction pertaining to the License for collecting fees in weekly Market belonging to the third respondent in survey No.227/1 for the fasli year 1426 within the time stipulated by this court.

For Appellant : Mr.VR.Shanmuganathan,
in both WA's Special Government Pleader
For Respondent No.1 : Mr.T.Lajapathi Roy
in both WA's

COMMON JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH, J.]

The present Writ Appeal has been filed as against the order of the learned Single Judge dated 23.11.2016, made in W.P.(MD). Nos.12988 and 19432 of 2016.

2. Heard the submissions made on either side.

3. The only grievance of the appellant is that the remarks made against the appellant has to be expunged. To this, the learned counsel for the first respondent also fairly contended that when the matter came up before the Division Bench, consisting of the Hon'ble the Chief Justice and S.Nagamuthu, J., it was expressed that the remarks made by the learned Single Judge has to be expunged.

4. In view of the submission so made, the following lines incorporated in paragraph Nos.28 and 30 in the order dated 23.11.2016, made in W.P.(MD).Nos.12988 and 19432 of 2016 are, hereby, deleted:

"28..... which was not at all considered by the third respondent and the third respondent has acted with a *mala fide* intention in collusion with the fifth respondent and prevented the petitioner from participating in the auction. From the above discussion, it is very clear that the third respondent has acted only in the benefit of the fifth respondent.

30..... In view of the above circumstances, this Court is of the view that the entire auction conducted by the third respondent is arbitrary and illegal and it was conducted



with *mala fide* intention only to favour the fifth respondent. Hence, the public auction conducted by the third respondent is liable to be set aside."

5. The Writ Appeals are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Joint Commissioner of HR & CE,
Hindu Religious and Charitable Endowment,
O/o. Joint Commissioner of HR& CE,
Muthusamy Nagar,
Sivagangai to Thirupathur Road,
Sivagangai Town and Taluk,
Sivagangai District.

2.The Assistant Commissioner of HR&CE,
Hindu Religious and Charitable Endowment,
Anjumuku Road, Ramanathapuram Main Road,
Paramakudi Town,
Ramanathapuram District.

+1cc to M/s.V.R.Shanmuganathan, Advocate in SR.82237

W.A.[MD].Nos.1584 and 1585 of 2016
Dated: 20.12.2016

sml

RUM/MPA-EM/SAR-I 27.12.2016 ::3P-4C: