



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition(MD) No.9798 of 2011

and

M.P (MD)Nos.2 of 2011 and 1 of 2012

T.Kannan

...Petitioner

Vs.

The Commissioner
Nagercoil Municipality
Kanyakumari District.

... Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for records relating to the impugned tender cum re-auction notice published by the respondent in his proceedings Na.Ka.No.16170/2008/A13 dated 16.08.2011 and published on 21.08.2011 in the Thinadhandhi News Paper and quash the same.

For Petitioner	:	Mr.B.Prahalad Ravi
For Respondent	:	Mrs.S.Srimathy

O R D E R

The writ petitioner challenges the notification issued by the respondent Municipality for auction in respect of Shop No.4, situated nearby Thai Sei Nala Viduthi at Vadiveeswaram, Nagercoil, in proceedings No.Na.Ka.16170/2008/A13, dated 16.08.2011.

2. According to the petitioner, in the previous auction conducted on 05.07.2011, he had quoted highest amount of Rs.4,509/- to Shop No.4 and hence, it ought to have been allotted to him. He also deposited a sum of Rs.1 Lakh towards Earnest Money Deposit, which is lying with the respondent. Since the respondent had issued re-auction cum tender notification dated 16.08.2011, the writ petitioner challenges the same in this writ petition.

3. The respondent filed a counter affidavit stating that they have power to reject and re-auction the shops till they get a reasonable offer at market rate. Insofar as other shops are concerned, minimum rent quoted was more than Rs.7,000/-, whereas the respondent has quoted for a lesser amount of Rs.4,000/- which is not accepted by the respondent / Municipality and therefore re-auction was issued. There are other people, who have also



submitted their tenders for Shop No.4 and their earnest money deposits are also lying with the respondent / Municipality. Now, the period for which auction was notified had lapsed and the same rate cannot be accepted by the respondent / Municipality.

4. In view of the above circumstances, a direction is issued to the respondent Municipality to issue notification afresh for auction cum tender for Shop No.4 alone. The earnest money deposit received from the incumbent may be retained and adjusted towards EMD for future auction, going to be notified. The petitioner and other bidders are entitled to participate in the fresh auction to be conducted by the respondent / Municipality.

5. With the above observation, this writ petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Commissioner
Nagercoil Municipality
Kanyakumari District.

+One cc to Mr.S.M.S.Johnny Basha, Advocate, SR.No.71790
+One cc to Mr.MN.B.Prahalad Ravi, Advocate, SR.No.72826

VS/TK
RL/4C/2P/SV/MMS/4.4.2017

WP (MD) NO.9798 OF 2011

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