

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION NO.10098 of 2017
and
W.M.P.Nos.11078 & 10079 of 2017

Santhamoorthy

...Petitioner

Vs.

The Commissioner,
Madurantagam Municipality,
Madurantagam,
Kancheepuram District.
Pin Code 603 306.

...Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the Impugned Notice dated 24.03.2017 passed in Na.Ka.No.15 of 2014/A1 on the file of the respondent herein and quash the same.

For Petitioner : M/s.K.Govi Ganesan

For Respondent : Mr.P.Srinivas

O R D E R

This writ petition has been filed for issuance of writ of Certiorari, calling for the records relating to the Impugned Notice dated 24.03.2017 passed in Na.Ka.No.15 of 2014/A1 on the file of the respondent herein and quash the same.

2.The petitioner, who is one of the participant in the tender held already and who has been asked to pay a sum of Rs.20,55,000/- which is corresponding to the nine months rent within a period of three days has challenged it before this Court.

3.From the records, it appears that the petitioner has earlier filed a suit before the Civil Court and the interim order already granted was vacated.

4.The learned counsel appearing for the petitioner would submit that an application has been filed under Order 23 Rule 1 of CPC to withdraw the suit.

5.From the counter affidavit filed, it is seen that the petitioner was not the highest bidder. The highest bidder was one Gnanasekaran for a sum of Rs.35,10,800/-, whereas the petitioner's bid was for Rs.27,40,000/-. However, the same condition was put to him and since he could not comply with it, the petitioner's turn has come. Secondly, the confirmation is yet to take place. The above said facts would clearly show that the petitioner does not have a vested right as of now. He is neither the highest bidder nor the auction has been confirmed in his favour. Incidentally, it is submitted by the learned counsel for the respondent that re-auction is proposed to be held tomorrow (25.04.2017).

6.For the above said reason, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed giving liberty to the petitioner to participate in the re-auction. The respondent is directed to refund the amount paid by the petitioner which is available with the respondent within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Commissioner,
Madurantagam Municipality,
Madurantagam,
Kancheepuram District.
Pin Code 603 306.

+1cc to Mr.Govi Gnesan, Advocate, S.R.No.24707
+1cc to Mr.Srinivas, Advocate, S.R.No.24917

WRIT PETITION NO.10098 of 2017
and

W.M.P.Nos.11078 & 10079 of 2017

MP (CO)
RS (08/05/2017)