

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4305 of 2017

M.Amjadkhan

.. Petitioner

-vs-

1. The Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Fort St.George
Chennai-9
2. The Commissioner
Erode Municipal Corporation
Erode & District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to conduct the public auction with regard to the shops in R.K.V.Road, Erode as per the reauction cum tender notification issued by the second respondent vide his office proceedings Na.Ka.No.A2/11205/09 dated 9.11.2016 in accordance with law by considering the petitioner's representation dated 20.1.2017 within the time fixed by this Hon'ble Court.

For Petitioner :: Mr.I.C.Vasudevan

For Respondents :: Mr.M.Elumalai

Government Advocate for R1

Mr.M.Raja Mathivanan for R2

ORDER

This writ petition has been filed by Mr.M.Amjadkhan seeking a limited prayer for issuing a direction to the respondents to conduct the public auction in respect of the shops in R.K.V.Road, Erode, as per the reauction cum tender notification issued by the second respondent vide proceedings bearing Na.Ka.No.A2/11205/09 dated 9.11.2016, in accordance with law by considering his representation.

2. The grievance of the petitioner shows that in response to the tender notification issued by the Commissioner, Erode Municipal Corporation, the second respondent herein to the

tenderers to take part in the public auction, the petitioner has submitted his tender. But unfortunately, without citing any reason whatsoever, the public auction has been postponed on four occasions, namely, 29.11.2016, 9.12.2016, 20.12.2016 and lastly on 3.1.2017 without giving any specific date. Therefore, the petitioner has given his representation on 19.1.2017 requesting the second respondent to conduct the public auction as per the notification. In any event, since the second respondent had already postponed the public auction on four occasions, if a direction is issued to the second respondent to conduct the public auction, as the tenderers are waiting to take part in the public auction, no prejudice would be caused.

3. The learned counsel for the second respondent submitted that only due to unavoidable administrative reasons, the auction date was repeatedly adjourned. In any event, he submitted that within two weeks, the public auction will be conducted by the second respondent.

4. Recording the statement of the learned counsel for the second respondent, the second respondent-Commissioner of Erode Municipal Corporation is hereby directed to hold the public auction, after giving due publicity to all the persons concerned, in the manner known to law, preferably within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Municipal Administration and Water
Supply Department
Fort St.George
Chennai 600 009

2. The Commissioner
Erode Municipal Corporation
Erode & District

+1cc to Mr.M. Rajamathivanan, Advocate, S.R.No.10796
+1cc to Mr.I.C. Vasudevan, Advocate, S.R.No.10994
+1cc to the Government Pleader, S.R.No.11175

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md(22/02/2017)

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