

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29376 of 2017

R.Parvathi

.. Petitioner

Vs.

The Commissioner,
Municipal Office,
No.56, J.N.Road,
Tiruvallur-602 001.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent-Tiruvallur Municipality to announce for transparent public auctions of the unauctioned shops and public convenience toilets within the Thiru.Vi.Ka. Bus Depot.

For petitioner : Mr.G.Thiagarajan

For respondent : Mr.P.S.Sivashanmugasundaram

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent-Tiruvallur Municipality to announce for transparent public auctions of the unauctioned shops and public convenience toilets within the Thiru.Vi.Ka. Bus Depot.

2. It is the case of the petitioner that Tiruvallur Bus Depot, which is the integral part of the Tiruvallur Town, contains 21 shops and a public convenience toilet inside its vicinity. The said shops are usually allotted through public auction as well as sealed auction, after notification through tenders in newspapers and affixing of notices in conspicuous places. For the past several allotments, neither the tender nor the auction of the said shops, was properly notified or conducted and only 16 shops out of 21 are functioning and the rest of the shops remained closed. It is the grievance of the petitioner that though she applied for about five times to participate in the public auction, the petitioner was not allowed, as the auction was conducted only in a closed manner, giving preference only to the known people without any public notice. It is further stated by the petitioner that there is

favouritism in allotting the said shops to the existing tenancies of the Town Panchayat and there is no fresh auction with regard to the shops which are once again allotted to the existing tenancies without following the procedure for public auction. Even the toilet for public convenience is being allotted to one particular family on every auction without giving opportunity to any other general public. The petitioner made several written representations to the respondent with regard to conduct of public auction, and last of such representation is dated 20.10.2017. There is no reply to the said representation. The open auction must be conducted and the said 21 shops including the public convenience toilets should be allotted in accordance with law so as to gain Revenue to the Government and Municipality as well as to provide opportunity to the general public.

3. According to the learned counsel for the petitioner, there are six more shops which are yet to be allotted based on public auction and that the respondent is leasing out the property to the very same persons once in three years.

4. Learned counsel for the respondent, by filing counter affidavit, contended that there are totally, 19 shops constructed in Thiru.Vi.Ka. Bus Stand belonging to the respondent and that there was a public auction on 20.07.2017, based upon which, 17 shops were let out on lease basis for three years and the highest bidders were allotted the shops based on lease agreement executed in favour of the Municipality. With regard to the two shops out of 19 shops, barring 17 shops mentioned supra, it has been renewed to the lease holders. It is further stated by the learned counsel for the respondent that the writ petitioner also participated in the public auction. It is further contended by the learned counsel for the respondent that the public toilet in Thiru.Vi.Ka. Bus stand was put under public auction on 12.08.2016, but the same is kept in abeyance and the Municipality itself is looking after the said public toilet.

5. Though the contentions of the learned counsel for the respondent is that the petitioner in fact participated in the public auction, the same is disputed by the learned counsel for the petitioner. The learned counsel for the respondent produced document to the effect that the auction was called for by communication of the respondent, dated 26.05.2015 and that the petitioner has participated in the auction held on 20.07.2017 and affixed her signature in the auction proceedings. The fact that the petitioner has not participated in the tender-auction, is totally incorrect. The petitioner having failed to be a successful bidder, has come forward with this Writ Petition for the relief stated supra and seeking an order of this Court,

thereby getting allotment of shop, which cannot be granted at all. If there are any shops available and if the same are brought to auction, it is needless to state that the petitioner can take part in the auction for the remaining shops, if any to be conducted.

6. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

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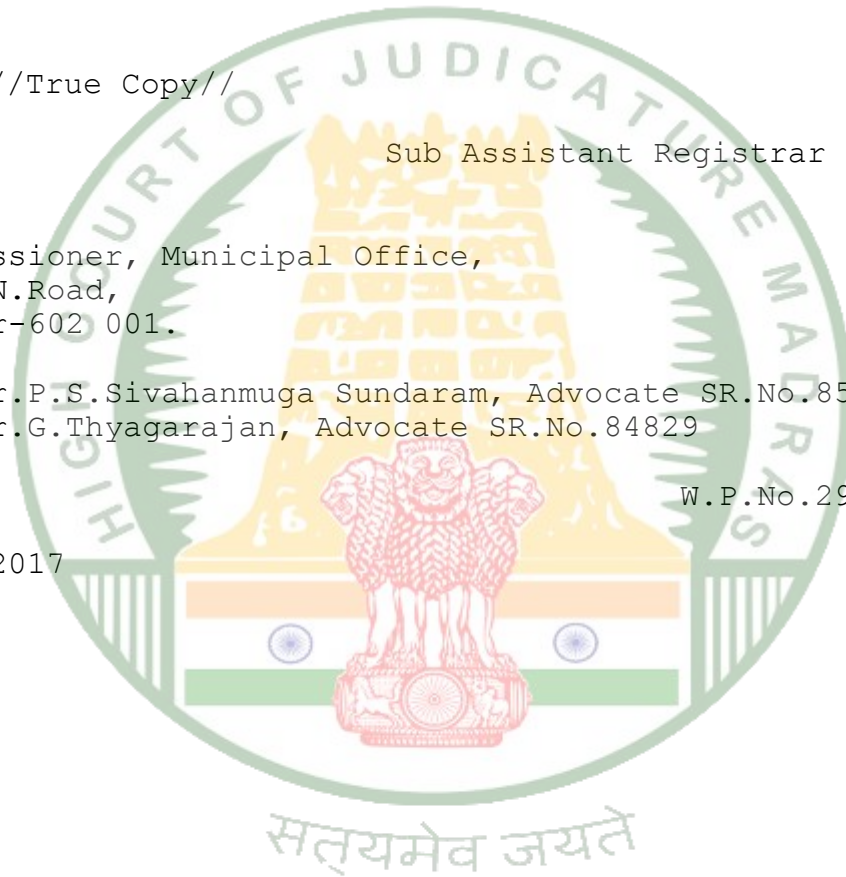
Sub Assistant Registrar

CS
To
The Commissioner, Municipal Office,
No.56, J.N.Road,
Tiruvallur-602 001.

+1cc to Mr.P.S.Sivahanmuga Sundaram, Advocate SR.No.85187
+1cc to Mr.G.Thyagarajan, Advocate SR.No.84829

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GMR(CO)
sm:18.12.2017



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