



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2017**

CORAM:

THE HONOURABLE **MR.HULUVADI G.RAMESH,**  
**ACTING CHIEF JUSTICE**

AND

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**  
**W.A. (MD) .No.39 of 2017**

&

**C.M.P. (MD) .Nos.462 and 463 of 2017**

J.Prakash Chinnappan : Appellant/ 3<sup>rd</sup> respondent

Vs.

1.Jesu Selvaraj : 1st Respondent/Writ Petitioner  
2.The Commissioner,  
Dindigul Corporation,  
Dindigul. : 2nd Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent against the order dated 15.12.2016 made in W.P.No.17096 of 2016.

Prayer in WP(MD). 17096/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records pertaining to the Respondent in Na.Ka.No. 13088/2015/Aa7 dated 26.08.2016 and quash the same and consequently directing the Respondent to Conduct Fresh Auction with transparent manner to the Shop No. 8 daily Market, Begambur, 39th Ward, Dindigul by following The Tamil Nadu Transparency in Tenders Rules, 2000.

For Appellant : Mr.R.Venkateswar  
For 2nd Respondent : Mr.J.Lawrance

### **J U D G M E N T**

[Judgment of the Court was made by  
The Hon'ble The Acting Chief Justice]

The appeal is directed against the order dated 15.12.2016, in W.P.(MD).No.17096 of 2016, filed by the first respondent, seeking quash of the proceedings of the second respondent herein in Na.Ka.No.13088/2015/Aa7, dated 26.08.2016 and consequently to direct the second respondent herein to conduct fresh Auction.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel for the appellant and the learned Standing Counsel for the second respondent Corporation. Perused



the orders of the learned Single Judge.

3.The premises in question was allotted to the father of the petitioner. Though the petitioner has participated in the process of tender, which was called for the premises in question, simultaneously, the petitioner has approached the Civil Court for interim orders on the ground that he is in continuous possession of the same.

4.In the order of the learned Single Judge at paragraph 8 it is stated as follows:

"8.I find that the intention of the petitioner in W.P. (MD) No.17096 of 2015 is malicious and without any bonafide. Therefore, I find every justification on the part of the respondent/Corporation in passing the impugned order with which I find no infirmity or irregularity. Accordingly, W.P.(MD) No.17096 of 2016 is dismissed. Consequently, W.P.(MD) No.12751 of 2016 is allowed. The respondents in W.P.(MD) No.12751 of 2016 are directed to take steps to hand over the shop No.8 to the petitioner in W.P.(MD) No.12751 of 2016, within a period of two weeks from the date of receipt of a copy of this order. If necessary, the respondent Corporation can take Police Protection for securing possession of the Shop No.8 from the petitioner in W.P.(MD) No.17096 of 2016."

5.We do not find any error in the reasons given by the learned Single Judge. Accordingly, this Writ Appeal is dismissed. However, it is open to the petitioner to approach the Corporation authorities once again. It is for the authorities of the Corporation to consider the grievance of the petitioner, if so permitted, in accordance with law.

No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner, Dindigul Corporation, Dindigul.

+1 cc to M/s.R.Venkateswar, Advocate in SR.No. 14499

+1 cc to M/s.J.Lawrance, Advocate in SR.No.14519

jikr/sj

CSL/SKN-RSK/22.03.2017 : 2P/4C