



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2017

CORAM

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**

W.P(MD)Nos.3992 to 3997 of 2015  
and  
connected miscellaneous petitions

|                |                                         |
|----------------|-----------------------------------------|
| Sheik Dawood   | .. Petitioner in W.P(MD)No.3992 of 2015 |
| K.Abdul Kalam  | .. Petitioner in W.P(MD)No.3993 of 2015 |
| H.Sahul Hammed | .. Petitioner in W.P(MD)No.3994 of 2015 |
| K.Bavani       | .. Petitioner in W.P(MD)No.3995 of 2015 |
| S.Kanaga Sabai | .. Petitioner in W.P(MD)No.3996 of 2015 |
| N.Niyaz Ahamed | .. Petitioner in W.P(MD)No.3997 of 2015 |

vs.

1.The Commissioner,  
Dindigul Corporation,  
Dindigul.

2.S.Murugan

3.D.Raja

(R3 suo moto impleaded vide  
Court order dated 31.03.2015)

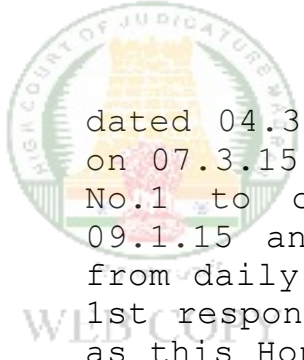
... Respondents in all the  
petitions

Prayer in WP(MD). 3992/ 2015 :

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorafied Mandamus calling for the records pertaining to the impugned notice in Na.Ka.No.10193/2014/A9 dated 04.03.2015 of the first respondent published in Dina Boomi Daily on 07.03.2015 and quash the same as illegal and direct the respondent No.1 to consider the representations of the petitioner dated 09.01.2015 and 12.03.2015 for the conversion of tenancy of the shops from daily basis of rent into monthly basis payment of rent to the first respondent directly.

Prayer in WP(MD). 3993/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ order or direction in the nature of Writ of Certiorarified Mandamus Na.Ka.No.10193/14/A9



dated 04.3.15 of the 1st respondent published in Dhinaboomi daily on 07.3.15 and quash the same as illegal and direct the respondent No.1 to consider the representations of the petitioner dated 09.1.15 and 12.3.15 for the conversion of tenancy of the shops from daily basis of rent into monthly basis payment of rent to the 1st respondent directly and to pass such further or other orders as this Honourable Court.

Prayer in WP(MD). 3994/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ order or direction in the nature of Writ of Certiorarified Mandamus Na.Ka.No.10193/14/A9 dated 04.3.15 of the 1st respondent published in Dhinaboomi daily on 07.3.15 and quash the same as illegal and direct the respondent No.1 to consider the representations of the petitioner dated 09.1.15 and 12.3.15 for the conversion of tenancy of the shops from daily basis of rent into monthly basis payment of rent to the 1st respondent directly and to pass such further or other orders as this Honourable Court.

Prayer in WP(MD). 3995/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ order or direction in the nature of Writ of Certiorarified Mandamus Na.Ka.No.10193/14/A9 dated 04.3.15 of the 1st respondent published in Dhinaboomi daily on 07.3.15 and quash the same as illegal and direct the respondent No.1 to consider the representations of the petitioner dated 09.1.15 and 12.3.15 for the conversion of tenancy of the shops from daily basis of rent into monthly basis payment of rent to the 1st respondent directly and to pass such further or other orders as this Honourable Court.

Prayer in WP(MD). 3996/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice in Na.Ka.No.10193/ 2014/ A9 dated 04.03.2015 published in Dhinaboomi daily on 7.3.2015 of the 1st Respondent No.1 to consider the Representations of the petitioner dated 09.01.2015 and 12.03.2015 for the conversion of tenancy of the shops from daily basis of rent into monthly basis payment of rent to the 1st respondent directly.

Prayer in WP(MD). 3997/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ order or direction in the nature of Writ of Certiorarified Mandamus Na.Ka.No.10193/14/A9 dated 04.3.15 of the 1st respondent published in Dhinaboomi daily on 07.3.15 and quash the same as illegal and direct the respondent No.1 to consider the representations of the petitioner dated 09.1.15 and 12.3.15 for the conversion of tenancy of the shops



from daily basis of rent into monthly basis payment of rent to the 1st respondent directly and to pass such further or other orders as this Honourable Court

For Petitioner : Mr.R.Mohamed Rajapdheen

For Respondents : Mr.J.Lawrance for R1  
Mr.K.Hema Karthikeyan for R3  
No appearance for R2

**COMMON ORDER**

In all these writ petitions, the petitioners are aggrieved against the auction-cum-tender notice dated 04.03.2015. They also sought for a direction to the first respondent to consider their representations for conversion of the tenancy of the shops from daily basis into monthly basis.

2.When these writ petitions were taken up earlier on 15.11.2016 for hearing, an order came to be passed on the said day, after hearing both parties, setting aside the impugned auction and further directing the respondent corporation to conduct fresh auction in respect of 16 shops for a period of three years with existing terms and conditions after issuing due publication. The time granted by this Court on 15.11.2016 for conducting fresh auction was subsequently extended by an order dated 01.12.2016, till 30.12.2016.

3.Today, when the matter is taken up for further hearing and for reporting compliance, it is submitted by the learned counsel for the respondent corporation that fresh auction was conducted on 29.12.2016 and there was no bidder and consequently the shops were not auctioned.

4.Considering the fact that this Court has already set aside the impugned auction notification and directed the fresh auction to be conducted and considering the fact that even in the fresh auction conducted on 29.12.2016, there was no bidder, all these writ petitions are disposed of with the following directions:-

(a) the respondent Corporation will once again conduct a fresh auction in respect of 16 shops for the period of three years with existing terms and conditions, after issuing due publication once again.

(b) any amount received from these petitioners by way of deposit during the pendency of these writ petitions shall be refunded by the respondent corporation, within a period of two weeks from the date of receipt of a copy of this order, in any event before conducting the fresh auction.



(c) the petitioners herein are permitted to take part in the fresh auction to be conducted in pursuant to the order passed today.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,  
Dindigul Corporation,  
Dindigul.

+1 cc to MR.J.LAWRANCE, Advocate SR.No.743

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and  
connected miscellaneous petitions  
05.01.2017

SMA/CM-MSA/03.02.2017:4P/3C