



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.1135 of 2016
and
C.M.P.(MD).No.7063 of 2016

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Assistant commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal corporation,
Tirunelveli.

: Appellants/Respondents

Vs.

1.D.Arunachalam

2.O.A.Moushad Farook

[R-2 impleaded vide order dated 10.01.2017
made in C.M.P(MD).No.7569 of 2016]

: Respondents/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.07.2016 made in W.P.(MD).No.12529 of 2016, on the file of this Court.

Prayer in WP(MD). 12529/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Auction/Tender Notice in Na.Ka.No. A1/0003/2015 dated 11.07.2016 issued by the 1st respondent and quash the same as illegal and consequently direct the respondents to renew the petitioners lease for further period of 9 years as per the Lr No.Ka.No. A1- 0003-2016 dated 02.02.2016 sent by the 2nd respondent and pass such further or other orders as this Honble Court may deem fit.

For Appellant : Mr.Aayiram K.Selvakumar
Government Advocate

For Respondent No.1 : Mr.C.Wilson,
Senior Counsel

For Mr.C.Arul Vadivel @ Sekar

For Respondent No.2 :Mr.H.Arumugam



JUDGMENT

[Judgment of the Court was made T.S.SIVAGNANAM, J.]

Heard Mr.Aayiram K.Selvakumar, learned Government Advocate appearing for the appellants, Mr.C.Wilson, learned Senior Counsel, for Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for the first respondent and Mr.H.Arumugam, learned counsel appearing for the second respondent.

2. This Writ Appeal has been filed by the Commissioner of Tirunelveli City Municipal Corporation and another challenging the order dated 18.07.2016 made in W.P.(MD).No.12529 of 2016. The operative portion of the order reads as follows:

"6.Similarly, in the present case, there was already an agreement between the parties till the petitioner pays a sum of Rs.81,364/- on or before fifth day of every month, he is permitted to continue the licence, therefore, this Court directs the respondents to maintain status quo as on date, till the final decision is taken by the Corporation Council.

7.With the above direction, this writ petition is disposed of. In the meanwhile it is open to the Corporation council to pass a final resolution, on merits and in accordance with law, based on which the parties are directed to abide by the same. Consequently, connected miscellaneous petitions are closed. No costs."

3.The learned Government Advocate appearing for the appellants submitted that pursuant to the above direction, final decision has been taken by the Corporation Council and a resolution has been passed, which is impugned in other in the Writ Petition.

4.In the light of the subsequent development, this Writ Appeal stands disposed of, by recording the submission made by the learned Government Advocate appearing for the appellants. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Tirunelveli City Municipal Corporation,



2.The Assistant commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal corporation,
Tirunelveli.

+1CC to M/S.C.Arul Vadivel @ Sekar, Advocate, SR.No. 51145

+1CC to M/S.Aayiram K Selvakumar, Advocate, SR.No.51685

JUDGMENT MADE IN
W.A. [MD] .No.1135 of 2016
10.04.2017

NB

AM/JC/SAR 3/19.04.2017/3P/5C