

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 31.07.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P (MD) No. 13118 of 2017****and****W.M.P (MD) Nos. 10189 and 10190 of 2017**

S. Murugan

... Petitioner

Vs.

The Executive Officer,
Selection Grade Town Panchayat,
Manamadurai,
Sivagangai District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.75/2015, dated 24.03.2017 and quash the same as illegal and consequently, direct the respondent to permit the petitioner to run the weekly and daily market in the respondent Municipality.

For Petitioner : Mr.C.Venkatesh Kumar.
For Respondent : Mr.G.Muthukannan,
Government Advocate.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.75/2015, dated 24.03.2017 and quash the same as illegal and consequently, direct the respondent to permit the petitioner to run the weekly and daily market in the respondent Municipality.

2. The case of the petitioner is that the petitioner is the successful bidder in the auction conducted by the respondent on 28.03.2014 and accordingly, permission has been granted to the petitioner to run a weekly market for a period of one year and on expiry, it has been extended from 01.04.2015 to 31.03.2016. Thereafter, the same has been extended till 31.03.2017. Meanwhile, the respondent issued a tender-cum-auction notification dated 30.01.2017 in respect of a weekly market and the petitioner also participated in the same. Since two persons quoted the same amount, the respondent postponed the tender-cum-auction process. Thereafter, the petitioner made a representation dated 25.01.2017 seeking extension of time to run the weekly and daily market.



Finding no action, the petitioner filed W.P(MD)Nos.3807 and 3819 of 2017 and this Court, by order dated 03.03.2017, directed the respondent to consider the claim of the petitioner. Despite the same, the respondent did not choose to consider the claim of the petitioner. Therefore, he filed W.P(MD)Nos.7739 and 5492 of 2017 to forbear the respondent from conducting any auction in respect of the weekly and daily market, without considering the representation of the petitioner dated 25.01.2017. This Court, by order dated 28.03.2017, granted an interim order of status quo. Thereafter, the respondent rejected the claim of the petitioner for extension of lease period by the impugned proceedings dated 24.03.2017. Challenging the same, the present writ petition is filed.

3. When the matter is taken up for hearing, the learned Counsel for the petitioner, on instructions, submits that as agreed, the petitioner continued in the shop in question till today and handed over the same to the respondent.

4. Whereas the learned Government Advocate appearing for the respondent also submits that auction will be conducted on or before 20.09.2017 and the scheduled date for the public auction is fixed as 10.10.2017.

5. The said submissions of the learned Counsel for the petitioner as well as the learned Government Advocate appearing for the respondent are placed on record.

6. Accordingly, this writ petition is disposed of. However, it is always open to the petitioner to participate in the auction scheduled to be held on 10.10.2017. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to M/S. AJMAL ASSOCIATES, Advocate, SR.No.69077.

W.P (MD) No.13118 of 2017
and
W.M.P (MD) Nos.10189 and 10190 of 2017
31.07.2017