



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD)No.20001 of 2017

Arumugam : Petitioner

-Vs-

The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent to conduct fair tender to shops which are belongs to the Respondent Municipality within the time framed by this Court.

For Petitioner : Mr.Arun Swaminathan,
For Mr.N.Jeyaram Sidharth

For Respondent : Mr.P.Athimoolapandian

ORDER

[Order of the Court was made by **M.VENUGOPAL, J.**]

Mr.P.Athimoolapandian, Learned Standing Counsel, takes notice for the Respondent.

2. Heard both sides. No counter is filed on behalf of the Respondent.

3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the Petitioner, he is doing Small Scale Alovera Currant business, based on the loan granted by the District Industrial Centre, Nagercoil. He has decided to establish his business in Nagercoil. He searched so many shops to establish his business. But, due to exorbitant rent, he is unable



to start his business. Further, no one has supported either morally or financially.

5. The stand of the Petitioner is that he got shocked and surprised to find that so many shops are holding by a single person and some of the tenants are paying very meagre amount. Also that, for the three decades, so many shops were not auctioned by the Respondent/Municipality. Without tender, some Mafias are occupying shops by satisfying personal needs of the Respondent officials.

6. The real grievance of the Petitioner is that if the shop is allotted after following the tender process, he can participate and get the shop allotted in his favour in a transparent fashion. If the tender is conducted, then the Respondent Municipality's Revenue will get increased. Apart from that, lot of youngsters are ready to participate in the tender process to get allotment of the shop. Many persons are paying Rs.1,000/-, Rs.2,000/- and Rs.3,000/- to the Respondent/ Municipality as rent. However, he is offering to pay Rs.10,000/- per month as rent.

7. It comes to be known that the Petitioner has addressed a representation to the Respondent on 04.09.2017 and the same, till date, has not been considered by the Respondent/Municipality. Hence, he has filed the present Writ Petition.

8. At this stage, the Learned Standing Counsel for the Respondent/Municipality informs this Court that within a period of two weeks, the representation of the Petitioner will be disposed of by the Respondent/Municipality.

9. Considering the fact that the Petitioner's representation dated 04.09.2017 is pending till date without any progression in the subject matter in issue and also considering the fact that on behalf of the Respondent/Municipality, it is informed before this Court that they will dispose of the representation of the Petitioner dated 04.09.2017, within a period of two weeks from today, at this stage, this Court, simpliciter, directs the Respondent/Municipality to look into the substance of the representation of the Petitioner, if any, within a period of two weeks from the date of receipt of copy of this order and dispose of the same on merits, of course, after providing necessary opportunity to the Petitioner and others concerned in the subject matter in issue, within a period of four weeks thereafter. It is open to the Petitioner to raise all factual and legal pleas before the Respondent/Municipality, who shall, at the time of passing of the final order in the subject matter in issue, deal with/meet out the points raised therein.



10. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

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/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

+ 1 cc TO Mr.N.Jeyaram Sidharth , Advocate in SR No. 84361

SML

AE/MR KKR/SAR2/08.11.2017/3P/3C

Order made in
W.P. (MD) No.20001 of 2017
Dated: 31.10.2017