



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.02.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.3395 of 2017

and

W.M.P. (MD) .Nos.2763 and 2764 of 2017

A.Naveen Raj

..Petitioner

Vs

The Commissioner,
Srivilliputhur Municipality,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court may be pleased to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of a Writ calling the records relating to the auction cum tender notification issued by the Respondent in Na.Ka.No.358/2017/A3 dated 07.02.2017 and quash the same and consequently to direct the respondent to conduct auction alone by following the procedures contemplated under paragraph 52-6(A) of the Municipal Manual, the rules made under the Tamil Nadu District Municipalities Act, 1920.

For Petitioner : Mr.K.K.Senthil

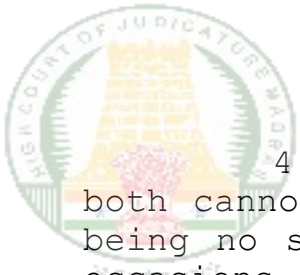
For Respondent : Mr.P. Srinivas

ORDER

By consent of both parties, the main writ petition itself is taken up for final disposal.

2.The petitioner is aggrieved against the auction cum tender notification dated 07.02.2017. He seeks for a consequential direction to the respondent to conduct auction alone by following the procedures.

3.The main grievance of the petitioner is that the respondent Municipality is not entitled to issue licence by way of conducting tender- cum-auction, as such auction is against the procedures contemplated under the Tamil Nadu District Municipalities Act, 1920 more particularly Paragraph No.52-6(A) made in Tamil Nadu District Municipalities Act, 1920.



4. Moreover, it is the contention of the petitioner that both cannot be done simultaneously and only in the event of there being no successful bidder in the public action, at least on two occasions, the authority can go for tender process.

WEB COPY

5. The learned counsel appearing for the petitioner, in support of his contention, relied on the order made in W.P.(md). Nos.11101 to 11103 of 2004, dated 08.07.2004 and W.P.(MD).No.2065 of 2012, dated 10.09.2012.

6. Mr.P.Srinivas, learned counsel, who takes notice for the respondent, based on instructions, submitted that though the impugned notification was issued for giving the licence by way of tender-cum- auction, the respondent will proceed only with auction and not by way of tender process. Therefore, he submitted that in view of the above undertaking given by the respondent, there cannot be any grievance for the petitioner.

7. The learned counsel appearing for the petitioner submit that if the respondent Municipality is going to conduct only public auction, the petitioner may not have any objection.

8. Considering the above facts and circumstances of the case and in view of the submission made by the learned counsel appearing for the respondent, this writ petition is disposed of by recording the above said submission made by the learned counsel appearing for the respondent/Municipality. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To
The Commissioner,
Srivilliputhur Municipality,
Virudhunagar District.

+1cc to Mr.K.K.Senthil, Advocate SR.No.11456

+1cc to Mr.P.Srinivas, Advocate Sr.No.11406

vs

sm:MR:10/03/2017:2P/4C

W.P(MD)No.3395 of 2017
27.02.2017