



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P(MD)No.4131 of 2017

and

W.M.P(MD)Nos.3289 & 3290 of 2017

N.Mariyappan

.. Petitioner

Vs.

The Executive Office,
Kayathar Town Panchayat,
Tuticorin District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned auction notice of the respondent in Na.Ka.No.107/2017/A1 dated 27.02.2017 and quash the same and conduct tender by issuing proper notice to all the public as per the provisions of The Tamil Nadu Transparency in Tenders Act, 1998.

For Petitioner : Mr.H.Arumugam
for M/s.K.Esakki

For Respondent : M/s.Jhansi Rani

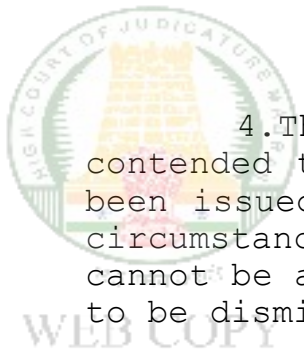
ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the publication dated 27.02.2017 issued in Na.Ka.No.107/2017/A1 by the respondent and quash the same, by way of issuing a writ of Certiorari.

2.M/s.Jhansi Rani, learned counsel has taken notice for the respondent.

3.The learned counsel appearing for the petitioner has contended to the effect that with regard to lease of vacant site belonging to Kayathar Town Panchayat, the impugned notification has been issued on 27.02.2017. But as contemplated under law, no proper publication has been made. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.



4.The learned counsel appearing for the respondent has contended that with regard to alleged lease, proper publication has been issued through daily newspaper viz., Dhinamani. Under the said circumstances, the contention putforth on the side of the petitioner cannot be accepted and therefore the present Writ Petition is liable to be dismissed.

5.It is an admitted fact that the respondent has issued the impugned notification dated 27.02.2017 wherein it has been clearly stated that with regard to lease of vacant site a public auction will be held on 16.03.2017 at about 11.00 a.m.

6.The main grievance expressed on the side of the petitioner is that no proper publication has been effected by the respondent.

7.On the side of the respondent certain document has been filed wherein it has been clinchingly stated to the effect that with regard to lease, a dum-dum has also been done in the presence of public. Further a paper publication has also been made.

8.Considering the aforesaid factual aspects, this Court is of the view that the considerable publication has been made with regard to the impugned publication dated 27.02.2017. Since the considerable publication has been made, the contention putforth on the side of the petitioner cannot be accepted and therefore the present Writ Petition deserves to be dismissed.

9.In fine, this writ petition is dismissed without costs. Consequently, connected Miscellaneous Petitions are also dismissed.

SD/-

ASSISTANT REGISTRAR(AS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The Executive Office,
Kayathar Town Panchayat,
Tuticorin District.

+1 CC TO MR.K.ESAKKI,ADVOCATE ,SR NO.14348

ps

MAS/MR:20.03.2017:2P-3C

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