



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.08.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.6779 of 2017

and

W.M.P(MD)No.5345 & 5346 of 2017

K.Jeyaraman

... Petitioner

Vs.

1.The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

2.Mr.Alagu Vinoth

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned tender notification issued by the first respondent herein dated 28.12.2016 in Ve.Aa.No.181.Se.ma.tho./Dindigul/2016 and the same was published in the Dina Mani daily dated 28.12.2016 in calling for issuance of license under public auction to collect charges for the respective 5th item mentioned in the impugned tender notice and quash the same and consequently direct the first respondent to call for a fresh tender notification for the 5th item of works mentioned in the impugned notice.

For Petitioner : Mr.S.Veeranasamy
For Respondents : Mr.T.S.Md.Mohideen for R1

Mr.R.Murali for R2

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner challenges the tender notification issued by the Commissioner, Kodaikanal Municipality on 28.12.2016.



2.The writ petitioner is aggrieved by the fact that even though the resolution passed by the Kodaikanal Municipality provided for tender only in respect of 3 items, the first respondent chose to issue tender notification for 5 items. The 5th item relates to collection of charges for the vehicles parked opposite to the Nehru Statue in Bryant Park. The second respondent is the contractor.

3.The writ petitioner fairly admits that the tender notification was published in Dina Mani daily. Therefore there cannot be any grievance regarding publication. The only ground is that there was no municipal resolution to permit the issuance of tender in respect of said 5th item.

4.The learned standing counsel for the first respondent pointed out that the tender notification was issued on 28.12.2016. The tenure of the Municipal Council has already expired. In fact, the first respondent has passed an order for issuing the tender notification.

5.We do not find any illegality or error committed by the first respondent. We therefore dismiss this writ petition as devoid of merits. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

+One cc to M/s.T.S.Mohamed Mohideen, Advocate, SR.No.75911

skm/Arul
RL/3C/2P/JC/SAR1/13/10/2017

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