



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD)No.8870 of 2017

and

W.M.P (MD)Nos.6795 to 6797 of 2017

and

11693 of 2017

Abdullah,
Integrated Manapparai Taluk, Manavarai
and Iravai Pasanatharkal Farmer
Association, Register No.198 of 2013,
1222, East Street, Puthanatham Post,
Manapparai Taluk, Trichy District. .. Petitioner

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.Trichirappali District Co-operative Milk Producers' Union
rep. by its General Manager, Kottapattu,
Pudukkottai Road,
Trichirappali - 620 023.
- 3.The Special Officer cum Commissioner,
Manapparai Municipality, Manapparai,
Trichy District.
- 4.The Regional Director of Municipal Administration,
Thanjavur Region, No.1, Ayya Street,
Near Kodimarathu Moolai, Thanjavur. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Tender Cum Public Auction Notification issued by the third respondent in Na.Ka.No.744/2016/A2 dated 28.04.2017 and published in the Daily Thanthi dated 29.04.2017 and quash the same in so far as item No.1 is concerned and consequently directing the Respondents No.3 and 4 to allot one Aavin Shop to the Petitioner's Sangam in the Manapparai New Bus Stand, Manapparai Taluk, Trichy District.

For Petitioner

: Mr.A.Joel Paul Antony

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents 1,2 and 4

: Mr.M.Alagathevan,
Special Government Pleader.



For Respondent No.3 : Mr.J.Lawrance

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned tender cum public auction notification issued by the third respondent in Na.Ka.No.744/2016/A2, dated 28.04.2017 and published in Daily Thanthi, dated 29.04.2017, in so far as item No.1 is concerned and direct the respondents 3 and 4 to allot one Aavin Shop to the petitioner's sangam in Manapparai New Bus Stand, Manapparai Taluk, Trichy District.

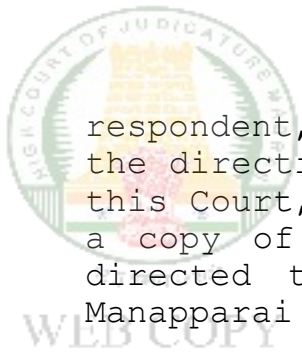
2.The case of the petitioner is that the third respondent Municipality has constructed more than 30 shops in New Bus Stand, Manapparai Town, Trichy District. Seeking allotment for opening one Aavin Shop, the petitioner made a representation dated 30.12.2016 to the first respondent, who in turn, forwarded the same to the second respondent and the second respondent instructed the third respondent to allot a shop for the petitioner sangam, vide his proceedings dated 18.01.2017. Since the third respondent has not allotted a shop to the petitioner sangam, the petitioner made a representation dated 07.02.2017 to the third respondent and the same has also not been considered. Therefore, the petitioner filed W.P(MD)No.4968 of 2017, wherein, this Court directed the third respondent to consider the representation of the petitioner dated 07.02.2017 in the light of the recommendation of the second respondent dated 18.01.2017 and pass suitable orders within a period of four weeks. But, the third respondent has brought 27 shops for tender cum public auction, by way of issuing the impugned notification. The grievance of the petitioner is that the impugned tender cum public auction notification has been issued without considering the order of this Court dated 13.04.2017 passed in W.P(MD)No.4968 of 2017 and the recommendation made by the second respondent, dated 18.01.2017. Therefore, the petitioner is before this Court.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the third respondent has produced a copy of the communication, dated 08.05.2017, issued by the third respondent, wherein it is stated that as per rules, no shop would be allotted to the petitioner and also informed that the petitioner shall participate in the public auction.

4.The learned counsel appearing for the third respondent fairly submits that the particular communication dated 08.05.2017 is no more in existence and inadvertently, without following the direction issued by this Court, in W.P(MD)No.4968 of 2017, dated 13.04.2017, the present communication, dated 08.5.2017, came to be issued and the third respondent will comply with the direction issued in W.P(MD)No.4968 of 2017, within a period of two weeks.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Recording the submission made on the side of the third



respondent, this Court directs the third respondent to comply with the direction issued in W.P(MD)No.4968 of 2017, dated 13.04.2017, by this Court, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the third respondent is directed to keep one shop vacant in Manapparai New Bus Stand, Manapparai Taluk, Trichy District.

6.The writ petition is disposed of as above. No costs. Consequently, connected W.M.P(MD)Nos.6795 to 6797 of 2017 are closed and W.M.P(MD)No.11693 of 2017 is dismissed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Trichy District, Trichy.
- 2.The General Manager,
Trichirappali District Co-operative Milk Producers' Union,
Kottapattu, Pudukkottai Road,
Trichirappali - 620 023.
- 3.The Special Officer cum Commissioner,
Manapparai Municipality, Manapparai,
Trichy District.
- 4.The Regional Director of Municipal Administration,
Thanjavur Region, No.1, Ayya Street,
Near Kodimarathu Moolai, Thanjavur.

+1cc to Mr.A.JOEL PAUL ANTONY Advocate in SR. No.72791

+1cc to Mr.J.LAWRANCE Advocate in SR. No.73126

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.72949

SMN

JS/JC/SAR.1/24.08.2017/3P-8C

**ORDER MADE IN
W.P(MD)No.8870 of 2017
and**

**W.M.P(MD)Nos.6795 to 6797 of 2017
and**

**11693 of 2017
16.08.2017**