



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.21844 of 2017

N.Maruthu

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Thiruchuly,
Virudhunagar District.

3.The Block Development Officer,
Narikudi Union,
Narikudi,
Virudhunagar District,

4.The Hakdhar,
Mamannar Marudhupandiyar Chathiram,
Narikudi, Virudhu Nagar District.

5.B.Senthil Murugan,
(R -5 is impleaded vide Court Order,
dated 23.01.2017 in WMP(MD) No.
899 of 2017)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3, to conduct an enquiry on the petitioner's representation on 07.10.2016 within stipulated period fixed by this Court.

For petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.Govindan

Special Government Pleader

for RR1 to 2

Mr.Ayiram K.Selvakumar, for R3

Mr.S.Rajasekar for

Mr.T.Lajapathi Roy for R5

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

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

THIS Writ Petition has been filed for directing the respondents 1 to 3, to stop the modification of Mamannar



Marudhupandiyar Chathiram, Narikudi, Virudhu Nagar District comprised in Survey No. 569/7 and for removal of encroachment.

2. On notice, the learned Additional Government Pleader appearing for the third respondent informed this Court that the impleaded fifth respondent was awarded the contract of renovating the said Chathiram and that the renovation work has been completed. Thereafter, the premises in question has been allotted to the fifth respondent for running a shop.

3. When the case was taken up, we posed a specific question to the counsel for the third respondent as to whether such handing over of the shop to the fifth respondent was after conducting an auction, the counsel for the third respondent stated that no auction was conducted. This is impermissible. Any public property could be given on lease only to the highest bidder. It is not open to the authorities to entertain private negotiations.

4. The fifth respondent appears to be in occupation of the premises in question for the last several years. The building became dilapidated. The building was renovated at the cost of the Union and the fifth respondent himself had carried out the renovation. Thereafter in the renovated building, he continues to be in occupation. We disapprove the said action of the third respondent.

5. At this stage the learned counsel for the fifth respondent submitted that if he is given reasonable time, he would vacate and handover the premises to the third respondent and that the third respondent may be directed to conduct public auction in which he also would participate. We find this offer to be reasonable.

6. We therefore, direct the fifth respondent to vacate and hand over the vacant possession of the premises in question to the third respondent on or before 31.07.2017. The third respondent shall bring the premises in question to public auction. Thereafter in the said public auction, it is open to the fifth respondent to take part. It is made clear that the said public auction would be conducted in a transparent manner and after giving sufficient publicity.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

<https://hc-services.certhd.com/hc-services>
The District Collector,
Virudhunagar District,
Virudhunagar.



2.The Revenue Divisional Officer,
Thiruchuly,
Virudhunagar District.

3.The Block Development Officer,
Narikudi Union,
Narikudi, Virudhunagar District,

W.P. (MD) No.21844 of 2017
20.07.2017

DSK/MM/SSS
KK/SKN RSK/SAR3/25.07.2017/3P-4C/