

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.09.2018

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10187 of 2018
and W.M.P.Nos.12127,12128 & 27321 of 2018

C.D.Saravana Kumar

... Petitioner

Vs

1.The Secretary to Tamil Nadu Government,
Municipality Administration and Water Supply,
Finance (4) Department,
Secretariat,
Chennai - 600 009.

2.The Director,
Town Panchayat,
Kuralagam,
Chennai - 600 108.

3.The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.

4.The Executive Officer,
Naravarikuppam Town Panchayat,
Redhills,
Chennai- 600 052.

..Respondents

Prayer:- This Writ Petition has been filed under Article 226 of the Constitution of India for a writ of Certiorarified Mandamus to call for the proceedings of the 4th respondent Na.Ka.No.32/2018.Aa1 dated 8.3.2018 with regard to the shop No.5, in 'A' Block, Aringer Anna Bus Stand, Redhills, Chennai-600 052 and quash the same and direct the 4th respondent to permit the petitioner to continue in Shop No.5, in 'A' Block, Aringer Anna Bus Stand, Redhills, Chennai-600 052.

For Petitioner : Mr.P.Chandrasekar

For Respondents: Mr.E.Neelakandan,
Government Advocate for RR1 to 3

Mr.A.N.Thambidurai,
Special Government Pleader for R.4

ORDER

This writ petition has been filed challenging the auction notice issued by the fourth respondent for leasing out certain shops in "A" Block, Anna Bus Stand, Redhills, Chennai.

2.The case of the petitioner is that he was a lessee in respect of Shop No.5 in "A" block Anna Bus Stand, Redhills, Chennai. Earlier, the lease was renewed on 12.06.2017 by the petitioner upto the year 2019 and he was also paid the increased rent. On 03.03.2018, the fourth respondent sent a notice to the petitioner directing him to pay the arrears as on 10.03.2018 and also directed him to hand over the shop enabling them to conduct public auction. Thereafter, the impugned auction notice has been issued, in which, it has been stated that if any person wants to participate in the auction, they have to furnish a security deposit to the tune of Rs.5.5 lakhs. Even though, the petitioner was ready with the demand draft for the above amount, the fourth respondent did not permit him to participate in the auction. Now, challenging the above auction notice, the present writ petition has been filed.

3.The fourth respondent has filed a counter affidavit stating that the Town Panchayat passed a resolution on 22.02.2018 for leasing out 31 shops in Anna Bus Stand, Redhills, Chennai and the same was also communicated to the respective shop owners on 03.03.2018. Subsequently, the auction notification was also published. As per the auction notification, the persons who are interested in participating the auction should get application on or before 23.03.2018 by submitting a solvency certificate worth of Rs.5 lakhs and security deposit by way of demand draft for each shop and the last date for submission of application was fixed on 26.03.2018. As per the said notification, auction conducted on 26.03.2018, consequently, successful bidders were allotted the shops except shop No.5 in "A" block Anna Bus Stand, Redhills, Chennai, in view of the pendency of this writ petition.

4.According to the petitioner, the existing lease period expires only on 30.03.2019 and the petitioner is in occupation of the shop from the year 1998. As per the auction notice, the security deposit should be paid by way of demand draft on 23.03.2018 and those who have paid the said amount alone will be permitted to participate in the auction to be held on 26.03.2018. However, the petitioner, has paid the security deposit amount by way of demand draft on 26.03.2018, but, his application was not accepted by the respondents.

5.Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the fourth respondent submitted that earlier, the

petitioner along with some other lessees filed a batch of writ petitions in WP.Nos.5491 to 5499 & 5514 to 5518 of 2018 challenging the notification issued by the fourth respondent dated 03.03.2008 wherein, they have claimed right under G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007 and this Court by an order dated 13.03.2018, has pleased to dismiss the writ petitions. Now, once again, the petitioner is before this Court with this writ petition.

6.I have considered the rival submissions.

7.The petitioner has challenged the auction notification mainly on the ground that his lease was renewed for a period of three years from 2017 to 2019. But, before the expiry of the said lease period, his shop was auctioned in violation of G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007. According to the respondents, the lease was renewed only for a period of one year i.e., from 01.04.2016 to 31.03.2017 and only after expiry of the said lease period, the impugned notification has been issued. The respondents have clearly stated that the lease was renewed for one year and not for three years as contended by the petitioner. The petitioner was not able to rebut the above condition.

8.The second contention of the petitioner is that though he is ready and willing to participate in the auction and he has also produced the demand draft towards security deposit on 26.03.2018, the respondents have refused to receive the same. A perusal of the auction notification, it is clearly stated that the persons who are interested in auction shall get the application on 23.03.2018 on deposit of the security deposit of Rs.5.5 lakhs by way of demand draft and submit the application till 3.00 pm on 26.03.2018. Admittedly, the petitioner has taken the demand draft only on 26.03.2018 not on 23.03.2018. Hence, now the petitioner cannot make any grievance over the same. In the above circumstances, I find no merit in the writ petition.

9.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Secretary to Tamil Nadu Government,
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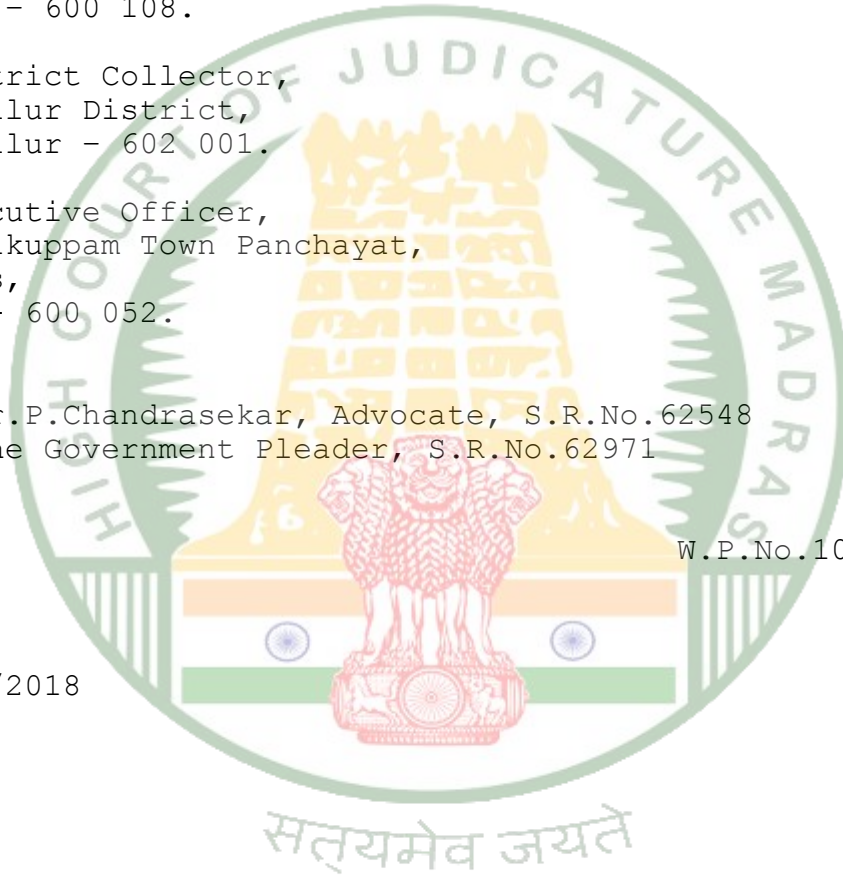
+lcc to Mr.P.Chandrasekar, Advocate, S.R.No.62548

+lcc to the Government Pleader, S.R.No.62971

W.P.No.10187 of 2018

SVN(CO)

rrs 22/10/2018



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