

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

W.P.No.7827 of 2018
and
M.P.Nos.9768 and 9769 of 2018

P.Balamurugan

.. Petitioner

Vs.

1. The Executive Officer,
Narravarikuppam Town Panchayat,
Redhills, Chennai-600 052.

2. Srinivasan,
Shop No.1, 'A' Block.

3. Govindaraj
Shop No.2, 'A' Block.

4. Saibala
Shop No.3, 'A' Block.

5. Srinivasan,
Shop No.4, 'A' Block.

6. Yesupatham
Shop No.5, 'A' Block.

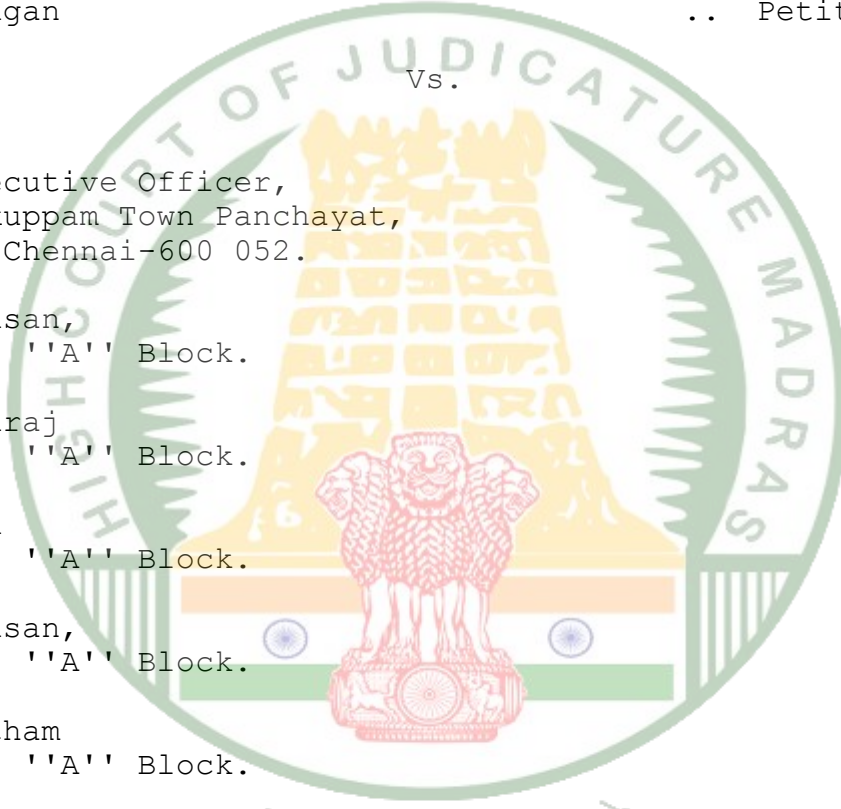
7. Loganathan
Shop No.6, 'A' Block.

8. Raafia Beevi
Shop No.7, 'A' Block.

9. Nathamani
Shop No.8, 'A' Block.

10. Mohan
Shop No.9, 'A' Block.

11. Kamatchi
Shop No.10, 'A' Block.



WEB COPY

12. Manohar
1st Floor, Shop No.5, ''B'' Block.

13. Anand Vishal Kumar
1st Floor, Shop No.6, ''B'' Block.

14. R.D.Saravanan
1st Floor, Shop No.8, ''B'' Block.

15. Renuka
1st Floor, Shop No.10, ''B'' Block.

16. Mohith
1st Floor, Shop No.1, ''B'' Block.

17. Jambulingam
Ground Floor, Shop No.3, ''B'' Block.

18. Senthilkumar
Ground Floor, Shop No.4, ''B'' Block.

19. R.D.Kumar
Ground Floor, Shop No.2, ''C'' Block.

20. Ranganathan
Ground Floor, Shop No.3, ''C'' Block.

21. Rajan
Ground Floor, Shop No.4, ''C'' Block.

22. Palani
1st Floor, Shop No.5, ''C'' Block.

23. Akash
1st Floor, Shop No.8, ''C'' Block. ..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to tender Notification in Na.Ka.No.32/2018 A1 dated 08.03.2018 and Quash the same and consequently direct the 1st respondent to conduct fresh tender following the procedures laid down in the tender notification.

For Petitioner .. Mr.S.Namonarayanan

For 1st Respondent .. Mr.A.N.Thambidurai
Spl.Govt.Pleader

For Respondents 2 to 5, 7 to 12
& 14 to 23 .. Mr.M.Murugan

For 6th Respondent .. Mr.P.K.Ganesh

ORDER

This writ petition is filed challenging the tender-cum-auction notification issued by the 1st respondent / The Executive Officer, Narravarikuppam Town Panchayat, Redhills, Chennai-600 052.

2. According to the petitioner, he is an existing lessee in respect of the Shop.No.10. By the impugned auction notification, the 1st respondent/ The Executive Officer, Town Panchayat has called for tender cum public auction in respect of other shops situated in the Arignar Anna Bus Stand, Redhills, Chennai-52 in Naravarikuppan Town Panchayat. Now, the grievance of the petitioner is that while issuing tender-cum-public auction notification, the 1st respondent/Town Panchayat did not follow the procedures as contemplated under the Tamil Nadu Transparency in Tenders Act, 1998. The tender notification was not given in 15 clear days and no tender form is issued to the petitioner enable him to participate in the public auction.

3. The 1st respondent has filed counter affidavit stating that the 1st respondent/Town Panchayat passed a resolution on 22.02.2018 for leasing out all the 31 shops and the notices were also communicated to the respective shop owners on 03.03.2018 itself and the tender notification was affixed on the notice board and Tom Tom was effected on 10.03.2018 and 21.03.2018 and paper publication was also effected on 08.03.2018. As per the terms and conditions of the auction, the interested persons shall get applications on or before 23.03.2018 and the same shall be submitted on or before 26.03.2018 forenoon 11 a.m. alongwith the solvent certificate worth of five lakhs and two lakhs demand draft or five lakhs demand draft and security deposit of Rs.50,000/- for each shops.

4. Subsequently, the auction was conducted on 26.03.2018 and successful bidders were declared and most of the bidders occupied the respective shops, except the petitioner's shop in view of the pendency of the writ petition.

5. It is further stated in the counter affidavit that to those persons who have requested for issuing tender documents have been furnished with tender documents, and 22 shop owners submitted their applications in-time and participated in the auction. The petitioner though had knowledge about the tender notice circulated to him and also affixed in the Notice Board, he has wantonly kept away from the tender proceedings and not

participated in the auction, as such, now it is not open to him, to challenge the proceedings.

6. Heard both sides.

7. The main grievance of the petitioner is that the procedure contemplated under Rule 20 of the Tamil Nadu Transparency in Tenders Act, 1998 is not followed while conducting the auction. As per Rule 20 of the above Act, in cases of tenders up to rupees two crores in value, fifteen days time has to be provided for submission of tenders. In the instant case, the tender notification was dated 08.03.2018. According to the 1st respondent, it was communicated and was also affixed in the notice board on 10.03.2018 and paper publication was also given on 08.03.2018. Subsequently, as per the terms and conditions of the tender notification interested persons have to obtain applications on or before 23.03.2018, and submit the same on or before 26.03.2018, thus clear 15 days time was granted for submission of the tender documents. So far as the second objection of the petitioner that the tender notifications were not issued to the petitioner, now, it is clearly stated in the counter affidavit filed by the 1st respondent that the petitioner did not receive the tender documents, 22 persons received tender form and submitted their tenders. The above averments are not disputed by the petitioner by filing any rejoinder.

8. In the above circumstances, the objections raised by the petitioner have no merit, and hence the writ petition deserves to be dismissed, accordingly, this writ petition is dismissed.

9. It is now submitted by the learned counsel for the respondent that even though the petitioner's lease period expired on 31.03.2018, the petitioner is still occupying the shop. Considering the same, the 1st respondent is permitted to take steps to evict petitioner from the shop occupied by him immediately. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.M.Murugan, Advocate, S.R.No.59895

W.P.No.7827 of 2018
and

M.P.Nos.9768 and 9769 of 2018

GP(CO)
GSP(03/10/2018)



WEB COPY