

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5894 of 2018
and
WMP.Nos.7242 & 7243 of 2018

1. M.N.Gurunathan
Shop No.1, PWD Quarters
Todhunter Nagar, Saidapet,
Chennai-600 015.
2. S.Shanmugasundaram @ Shanmugam
Shop No.2, PWD Quarters
Todhunter Nagar, Saidapet,
Chennai-600 015.
3. S.Mani @ Suburamani
Shop No.3, PWD Quarters
Todhunter Nagar, Saidapet,
Chennai-600 015.
4. P.K.Prasanna Ramesh
Shop No.4, PWD Quarters
Todhunter Nagar, Saidapet,
Chennai-600 015. ... Petitioners

1. The Principal Secretary
to the Government of Tamil Nadu
Public Works Department
Fort St.George, Chennai-600 009.
2. The Chief Engineer (Buildings)
Public Works Department
Chepauk, Chennai-600 005.
3. The Executive Engineer
Public Works Department
Saidapet Division
Chennai - 600 015. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent relating to the impugned

auction stated to be held on 17.03.2018 vide undated auction notice for the allotment of the Shop No.2 to 7 in PWD Quarters, Todhunter Nagar, Saidapet, Chennai-15, quash the same.

For Petitioners : Mrs.Hema Sampath
Senior Counsel for Mr.S.Raveekumar
For Respondents : Mr.A.Kumar,
Additional Advocate General
assisted by Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

The petitioners are aggrieved against the auction notice, wherein and whereby, the newly constructed shops at Todhunter Nagar Government residential complex are sought to be let out, by way of public auction scheduled on 17.03.2018.

2. Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents, who intturn is being represented by Mr.A.Kumar, learned Additional Advocate General.

3. Mrs.Hema Sampath, learned Senior Counsel appearing for the petitioners, based on the proceedings issued by the Junior Engineer, Public Works Department, Todhunter Nagar, Saidapet, Chennai-600 015, dated 03.11.2017, claimed that the petitioners should be considered for accommodating them in the newly constructed shops.

4. On the other hand, the learned Additional Advocate General, based on instructions from the Executive Engineer, namely the second respondent herein, who is personally present before this Court, submitted that the Junior Engineer, who issued such proceedings dated 03.11.2017, has no jurisdiction or competency to give such undertaking to the petitioners and therefore, the said proceeding is erroneous and not binding on the respondents. Therefore, he contended that if the petitioners are interested in getting accommodation in the newly constructed shops, it is for them to take part in the public auction. The learned Additional Advocate General, based on instructions, also submitted that these petitioners, who are presently in occupation of the old shops are not going to be disturbed and therefore, they need not have any apprehension. The learned Additional Advocate General specifically agreed for recording the above undertaking and dispose of this writ petition, accordingly.

5. The learned Senior Counsel for the petitioners also submitted that if that is the stand of the respondents, the above said submission of the learned Additional Advocate General may be recorded and the writ petition may be disposed of,

accordingly.

6. Thus, this writ petition is disposed of, by recording the above said undertaking made by the learned Additional Advocate General. However, it is open to the petitioners to take part in the public auction, if they are still interested in getting accommodation in the newly constructed shops. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mk
To

1. The Principal Secretary
to the Government of Tamil Nadu
Public Works Department
Fort St.George, Chennai-600 009.
2. The Chief Engineer (Buildings)
Public Works Department
Chepauk, Chennai-600 005.
3. The Executive Engineer
Public Works Department
Saidapet Division
Chennai - 600 015.

+1cc to the Government Pleader, S.R.No. 20481
+1cc to Mr.S.RAVEEKUMAR, Advocate, S.R.No. 19564

सत्यमेव जयते

W.P.No.5894 of 2018

PA (CO)
TR(28/03/2018)

WEB COPY