

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.14534 and 14535 of 2018
and W.M.P.Nos.17154 to 17157 of 2018

N.Yuvaraj ...Petitioner
in W.P.No.14534 of 2018

Kavitha ...Petitioner
in W.P.No.14535 of 2018

Versus

The Commissioner,
Tirupattur Municipality,
Tirupattur, Vellore District. ... Respondent
in both W.Ps.

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records in the impugned auction notification in Na.Ka.No.3270/2017/A4, dated 28.05.2018 passed by the Commissioner, Tirupattur Municipality, Tirupattur, Vellore District the respondent herein, quash the same.

For Petitioners : Mr.M.V.Venkateshan
(in both W.Ps.)

For Respondent : Mr.V.Shanmuga Sundar
Special Government Pleader
(in both W.Ps)

COMMON ORDER

Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondent and perused the materials available on record.

2. These writ petitions have been filed challenging the auction notification dated 28.05.2018 of the respondent.

3. According to the petitioners, pursuant to the auction notification dated 20.04.2018, for auctioning the shops at New Bus Stand, Tirupattur Town, Vellore District, they were declared as successful bidders for Shop Nos.15 and 9. The Earnest Money Deposit of Rs.1,50,000/-, each paid by way of demand draft were encashed, however, the keys were not handed over to the petitioners. While so, another notification was issued on 28.05.2018, for auctioning of the shops including Shop Nos.15 and 9.

4. The learned counsel for the petitioners submitted that when the petitioners were declared as highest bidders, in the auction held on 17.05.2018, the respondent cannot issue a fresh notification dated 28.5.2018, for auctioning the said shops. It is further contended that the respondent should be directed to hand over the keys to the petitioners, for the shops referred above.

5.The learned Special Government Pleader contended that though the petitioners offered highest amount in the auction on 17.5.2018, but, no confirmation was made in favour of the petitioners and hence, an another notification was issued on 28.05.2018. Therefore no relief can be given to the petitioners and the respondent is ready to refund the Earnest Money Deposit paid by the petitioners. It is further stated that the shops would be put into re-auction on 05.07.2018 and the petitioners can also very well participate.

6. In the light of the above facts, I do not find any merit in these writ petitions. Accordingly, these writ petitions are dismissed. However, the respondent shall refund the Earnest Money Deposit of Rs.1,50,000/- each forthwith to the petitioners. No costs. Connected miscellaneous petitions are closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ms/vsa

To

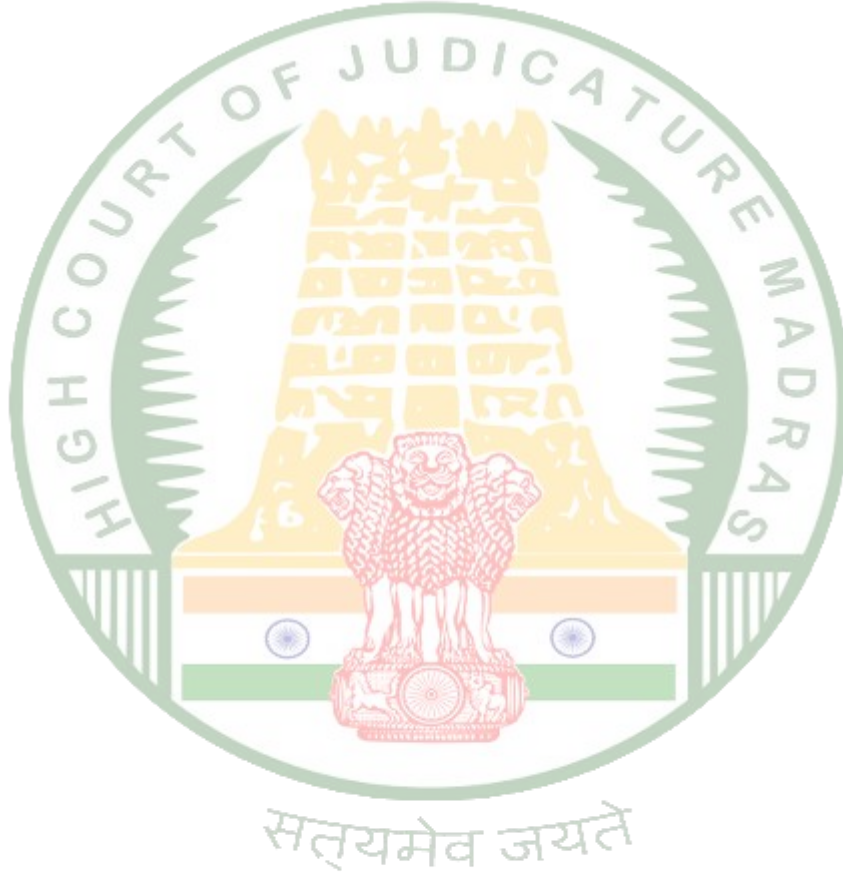
The Commissioner,
Tirupattur Municipality,
Tirupattur,
Vellore District.

+1cc to Mr.M.V.Venkataseshan, Advocate, S.R.No.43134

+1cc to the Government Pleader, S.R.No.44620 & 44621

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EV (CO)
GSP (19/07/2018)



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