

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.11.2018
CORAM
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
W.P.No.29823 of 2018
and
W.M.P.No.34811 of 2018

V.Sri Rathikadevi

... Petitioner

Vs

1. The Special Officer,
Erumpatti Town Panchayat,
Erumpatti, Namakkal District.
2. The Executive Officer,
Erumpatti Town Panchayat,
Erumpatti,
Namakkal District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Mandamus, directing the respondents to complete the formalities of confirmation of auction held on 10.08.2018 in the name of the petitioner in respect of shop No.9 at new bus stand, Erumpatti, Erumpatti Town Panchayat, Namakkal District and further direct the 2nd respondent to hand over the key for the shop No.9 to the petitioner forthwith.

For Petitioner : Mr.C.Kulanthaivel

For Respondents : Mr.R.Govindasamy,
Special Government Pleader.

O R D E R

This writ petition has been filed seeking a direction to the respondents to confirm the auction held on 10.08.2018 in respect of Shop No.9 at New Bus Stand , Erumpatti Town Panchayat.

2. The grievance of the petitioner is that, a public auction was conducted by the second respondent for granting licence to various shops in the new Bus Stand at Erumpatti Town Panchayat . In the above auction, the petitioner has participated and submitted his bid of Rs.2050/- per month, and he was declared as the highest bidder, and he has also deposited 6 months rent along with GST. But, the auction was not confirmed in his favour, and the respondents also conducted re auction several times. In the above circumstances, the present writ petition has been filed seeking a direction to confirm the auction in his favour.

3. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that in the first auction there was no bidder and hence, second auction was conducted on 10.08.2018, in which three persons have participated, out of which, only the petitioner had offered the bid amount. Since there was a single bid, the auction was cancelled as per the resolution passed by the Municipality in Resolution No.226(12) dated 11.08.2018, which was informed to all the bidders and the petitioner was also directed to get back the amount deposited by him. Thereafter, third and fourth auction has been conducted. At this stage, the present writ petition has been filed. Since the earlier auction conducted on 10.08.2018 has been cancelled as per the resolution passed by the Erumapatti Panchayath, the writ petition filed by the petitioner is not maintainable. He has further submitted that re-auction is going to be conducted today (i.e. 13.11.2018) at 11.00 a.m.

4. Considering the facts and circumstances, already, the auction conducted on 10.08.2018 has been cancelled by the respondent. Hence, without challenging that order, the petitioner cannot seek a prayer to confirm the auction and the prayer sought by the petitioner cannot be granted.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. The learned counsel for the petitioner submitted that the petitioner is ready and willing to participate in the re-auction and he apprehends that the respondents may not permit him to participate in the auction. Since the petitioner has every right to participate in the re-auction, the respondents are directed to permit the petitioner to participate in the auction.

mrp

Sd/-/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Special Officer,
Erumappatti Town Panchayat,
Erumappatti, Namakkal District.

2. The Executive Officer,
Erumappatti Town Panchayat,
Erumappatti, Namakkal District.

+1cc to Mr. C.Kulanthaivel, Advocate SR.No. 77374

+1 CC TO GOVERNMENT PLEADER SR.NO. 78038

W.P.No.29823 of 2018 and

W.M.P.No.34811 of 2018

A SK (05/02/2019)