



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

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THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1846 of 2018

and

W.M.P. (MD) No.1976 to 1978 of 2018

V.Anto Jose

... Petitioner

-Vs-

1. The Regional Director,
Municipal Administration,
Tirunelveli Region,
Tirunelveli.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records in pursuant to the impugned public auction cum tender notifications of the second respondent in proceedings in Na.Ka.No.7841/2017/A13 dated 28.12.2017 and the subsequent impugned notification in Na.Ka.No.7841/A13/2017 dated 17.01.2018 of the second respondent in respect of petitioner's Shop No.41, Bethesda Complex, WCC Road, Nagercoil and quash the same.

For Petitioner : Mr.G.Sridharan
For Respondents : Mr.P.Adhimoolapandian

ORDER

The Writ Petition has been filed, challenging the auction notifications issued by the second respondent to lease out the shop belonging to the respondent / Municipality.

2.The learned counsel for the petitioner submitted that the upset price was fixed at Rs.2,00,000/- by the respondent / Municipality and the same is on higher side.

3.The petitioner's contention cannot be accepted for the simple reason that as the respondent / Municipality being the owner of the property and they are entitled to fix the upper price for



conducting auction and the petitioner cannot dictate terms for fixing upset price. However, the petitioner's period of lease expires on 31.03.2018, the respondent / Municipality shall not evict the petitioner from the shop till then, and the respondents are at liberty to proceed with the auction.

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4. With the above direction, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Director,
Municipal Administration,
Tirunelveli Region,
Tirunelveli.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

+ 1 CC TO Mr.G.SRIDHARAN, ADVOCATE IN SR No. 45118

MYR

TE/MR/SAR-4 : 15/02/2018 : 2P/4C

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