



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) Nos.1847 and 1848 of 2018

and

W.M.P. (MD) No.1979 to 1982 of 2018

M.Paramathai ... Petitioner in W.P. (MD) No.1847 of 2018
J.Thomas ... Petitioner in W.P. (MD) No.1848 of 2018

-Vs-

1. The Regional Director,
Municipal Administration,
Tirunelveli Region, Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli-627 002.
2. The Commissioner,
Nagercoil Municipality,
Nagercoil-629 001,
Kanyakumari District. ... Respondents in both W.Ps.

COMMON 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 notification issued by the second respondent vide proceedings in Na.Ka.Nos.7841/2017/A13 and 7841/A13/2017 dated 17.01.2018 in respect of petitioner's shop Nos.8 and 18, situated at Bethesda Complex, W.C.C Road, Nagercoil and quash the same.

For Petitioner : Mr.M.Sankar
(In both Writ Petitions)

For Respondents : Mr.P.Adhimoolapandian
(In both Writ Petitions)

COMMON ORDER

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

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Director,
Municipal Administration,
Tirunelveli Region, Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli-627 002.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil-629 001,
Kanyakumari District.

+ 2 ccs TO Mr.M.Sankar , Advocate in SR No. 45163,45164

Myr

AE/JC/SAR1/08.02.2018/2P/5C

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