



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.19531 of 2017
and
W.M.P. (MD) No.19510 of 2017

S.Arockiam

... Petitioner

Vs.

1. The Regional Director,
Municipal Administration,
O/o. Regional Director of
Municipal Administration,
Thanjavure.

2. The Commissioner,
Manaparai Municipality,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondent No.2 to grant the lease of the property to the petitioner in Shop No.4 which was situated at Trichy Road One Way Municipality Nalangadi entrance belonging to 2nd respondent.

For Petitioner : Mr.R.Venkatesan

For R1 : Mrs.J.Padmavathi Devi
Special Government Pleader

For R2 : Mr.J.Lawrance

O R D E R

This Writ Petition has been filed seeking a direction to the second respondent to grant lease of shop No.4 situated at Trichy Road One Way Municipality Nalangadi belongs to the second respondent Municipality.

2. According to the petitioner, the Municipality called for public auction to lease out the shops belonging to the said Municipality. The petitioner made an offer of Rs.3,000/-, which is highest amount, but despite confirming the auction, the second



respondent cancelled the auction. Hence, the petitioner filed the present Writ Petition.

3. Earlier this Court has granted an interim order directing the second respondent to hand over the possession of the shop to the petitioner. Now, the second respondent has filed a petition to vacate the interim order.

4. The learned counsel for the second respondent has submitted that in the previous year the highest bid amount was Rs.10,000/- for the very same shop, but during the current year only two persons have participated in the auction and the highest bid for the same shop is only Rs.3,000/-, which is very much lower than the previous year.

5. In the said circumstances, the second respondent Municipality, by invoking the power contains in the tender notification, has passed a resolution dated 30.03.2017 cancelling the entire auction. The learned counsel for the second respondent further submitted that the second respondent Municipality is proposed to conduct re-auction to the said shop.

6. Considering the aforesaid fact that since the second respondent Municipality already cancelled the auction and they want to conduct re-auction, the prayer sought for in this Writ Petition cannot be granted. However, the second respondent Municipality is directed to conduct a fresh auction by issuing notification, within a period of four weeks from the date of receipt of a copy of this order and it is always open to the petitioner to participate in the fresh auction proposed to be conducted by the second respondent.

7. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, W.M.P.(MD)No.19510 of 2017 is closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Director,
Municipal Administration,
O/o. Regional Director of
Municipal Administration,



2. The Commissioner,
Manaparai Municipality,
Trichy District.

+1 cc TO Mr.R.Venkatesan, Advocate in SR No. 47684

+1 cc TO Mr.J.Lawrance , Advocate in SR No. 47986

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AE/SV MMS/SAR4/23.02.2018/3P/5C

W.P. (MD) No.19531 of 2017
09.02.2018