

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27092 of 2016

Gokul Bakthavatsalam
S/o Dr.B.Bakthavatsalam

..Petitioner

-vs-

1. The State of Tamil Nadu
rep.by its Secretary to Government
Municipal Administration & Water
Supply Department
Secretariat, Fort St.George
Chennai 600 009

2. The Commissioner
Salem City Municipal Corporation
Salem

3. The Assistant Commissioner
Suramangalam Zonal Office
Salem City Municipal Corporation
Salem

4. M.Muthu

..Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceeding of the third respondent made in K1/4248/2015 signed on 23.07.2016, quash the same and direct the second and third respondents to revive and complete the tender/auction process for the premises namely "Hotel Aarthi (New Bus Stand-Shop No.2), (Suramangalam Zonal Office)" notified in the Resolution No.304 dated 22.02.2016 of the Salem City Municipal Corporation so as to enable the Salem Corporation to augment more income.

For Petitioner

:: Mr.AR.L.Sundaresan
Senior Counsel for
Mr.J.Ramakrishnan

ORDER

2. Mr.A.R.L.Sundaresan, learned Senior Counsel for the petitioner fairly stated that though the petitioner submitted his tender along with the security deposit of Rs.30 lakhs, since Mr.M.Muthu, the existing lessee/fourth respondent was allowed to continue as the licensee in respect of the 'Hotel Aarthi', as he had accepted the revised lease rent fixed by the respondent Corporation, in view of the pendency of the writ petition, the petitioner has not realised the cheque amount of Rs.30 lakhs returned by the respondents. Therefore, a direction be issued to the second respondent to return the security deposit of Rs.30 lakhs paid by the petitioner.

4. Since the auction for which the petitioner intended to take part was not allowed to proceed, the petitioner has sought for the return of the security deposit amount. It is also seen from the counter affidavit filed by the second and third respondents that the existing lessee Mr.M.Muthu, the fourth respondent had already paid the revised deposit accepting the lease rent as per the order passed by this Court and the money deposit paid by the petitioner Mr.Gokul Bakthavatsalam was

returned by cheque no.109835 dated 25.7.2016 stating that no auction was held for Aarthi Hotel. However, recording the submission made by the learned Senior Counsel for the petitioner that his client has not realised the cheque amount in view of the pendency of the writ petition, the second respondent is directed to return the security deposit of Rs.30 lakhs paid by the petitioner through pay order/demand draft/cheque within a period of two weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands closed. Consequently, W.M.P.Nos.23267 of 2016 and 38004 of 2017 are also closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
Municipal Administration & Water
Supply Department
Fort St.George
Chennai 600 009
2. The Commissioner
Salem City Municipal Corporation
Salem
3. The Assistant Commissioner
Suramangalam Zonal Office
Salem City Municipal Corporation
Salem

+1 cc to M/s.J.Ramakrishnan, Advocate Sr.No. 87143

+1 cc to M/s.S.Sathish, Advocate Sr.No.87166

AKM/28.11.19/3P-6 C /

W.P.No.27092 of 2016