



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 16937 of 2015

and

M.P. (MD) Nos. 1 and 2 of 2015

M.Murali

... Petitioner

-Vs-

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai.

2.The Commissioner,
Bodinayakanur Municipality,
Bodinayakanur, Theni District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order / auction notice, bearing Na.Ka.No.3829/2014/A2, dated 04.09.2015, with respect to the shop No.1, passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to confirm the successful bid of the writ petitioner dated 22.07.2015.

For Petitioner : Mr.P.Muthuvijayapandian

For Respondents : Mr.M.Karuppasamy

Government Advocate

ORDER

The second respondent municipality is owning a commercial complex in Bodinayakanur bus stand. It issued an auction notice for bringing the various shops located therein to public auction. The auction was conducted on 22.07.2015. The subject matter of this writ petition relates to shop No.1. The writ petitioner's offer was found to be the highest bid. But the second respondent by the impugned communication declined to issue an order of confirmation. It directed the shops to be brought for re-auction. The said decision is put to challenge in this writ petition.



3.It is not in dispute that the upset price for the shop was Rs.8,000/-. The writ petitioner offered a sum Rs.10,000/- after a hot and aggressive competitive bidding. The offer made by the writ petitioner is substantially higher compared to the original upset price. The second respondent took the stand that similarly situated shops have fetched a higher rent. When this Court wanted to know specific particulars in this regard, the learned Government Advocate is unable to comeup with a satisfactory response.

4.It is not the case of a single participant. The second respondent has not given any justifiable or convincing reason for declining to issue an order of confirmation in favour of the writ petitioner. The approach of the second respondent is patently unreasonable and arbitrary. Therefore, the order impugned in this writ petition is quashed. The second respondent is directed to issue the order of confirmation in favour of the petitioner.

5.The writ petition stands allowed accordingly. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To:

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai.

2.The Commissioner,
Bodinayakanur Municipality,
Bodinayakanur, Theni District

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-53048[F] dated 11/03/2019)

+1 CC to M/s.SPL GP (SR-53360[F] dated 12/03/2019)

ias

W.P. (MD) No.16937 of 2015

11.03.2019

(1/2)