



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16938 of 2015

and

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

A.Mayandi

... Petitioner

-Vs-

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

2.The Commissioner,
Bodinayakanur Municipality,
Bodinayakanur.

... Respondents

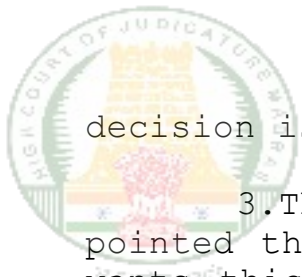
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order / auction notice, bearing Na.Ka.No.3829/2014/A2, dated 04.09.2015, with respect to the shop No.9, passed by the 2nd 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

Heard the learned counsel on either side.

2.The subject matter pertains to holding of an auction for shop No.9 in the commercial complex belonging to the second respondent/municipality. The auction was conducted on 22.07.2015. The upset price was fixed at Rs.6,000/- per month. The writ petitioner offered a sum Rs.6,300/-. The matter was placed before the municipal council for confirmation. The municipal council took the view that re-auction should be conducted. The said



decision is put to challenge in this writ petition.

3. The learned counsel appearing for the writ petitioner pointed that he had quoted above the upset price. Therefore, he wants this Court to direct the second respondent/municipality to issue lease in favour of the petitioner.

4. I am unable to agree with the aforesaid submission of the writ petitioner. It is not in dispute that only one person namely, the writ petitioner took part in the auction. The purpose of holding public auction is to ensure that the revenue that is fetched for the municipality is maximised. This objective can be fulfilled, if there are a number of participants. In this case, there was only one participant namely, the writ petitioner. Of course he quoted a rate higher than the upset price but then it is only marginally higher. Therefore, the decision of the municipality to hold re-auction cannot be faulted. In any event, the writ petitioner has no vested right to seek confirmation. The order impugned in this writ petition is sustained.

5. The learned counsel for the writ petitioner stated that he remitted a sum of Rs.60,000/- to the second respondent, the second respondent has been retaining the said amount of the petitioner for more than three years. Therefore, the second respondent is directed to refund the said amount to the writ petitioner together with interest at the rate of 12% per annum. This refund with interest will take place within a period of three weeks from the date receipt of a copy of this order.

6. This writ petition is dismissed with above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

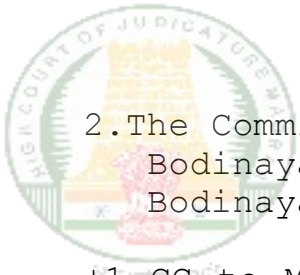
Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To:

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



2.The Commissioner,
Bodinayakanur Municipality,
Bodinayakanur.

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-53049[F] dated
11/03/2019)

+1 CC to M/s.SPL GP (SR-53361[F] dated 12/03/2019)

IAS

W.P.(MD)No.16938 of 2015
(2/2)
11.03.2019

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