



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.17617 of 2018

and

W.M.P (MD) .Nos.17410, 16797,16795 and 15491 and 15492 of 2018

S.Paul Raj

... Petitioner

Vs

1.The Commissioner cum
Executive Officer,
Kovilpatti Municipality,
Tuticorin District.

2.M.T.M.Ravindraranjan
President,
Kovilpatti Vattara Viyaparigal Matrum
Kaaikani Urpathiyalargal Nala Sangam,
Door No.227B, Ettayapuram Road,
Kovilpatti-628 501, Tuticorin District.

... Respondents

(R2 is impleaded vide Court order dated 04.09.2018 in W.M.P(MD) .
No.16795 of 2018)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification dated 01.08.2018 in so far as it relates to the auctioning of the right to collect vehicle entry fee at the Municipality Market, Kovilpatti is concerned issued by the respondent and quash the same as illegal and consequently direct the respondent to permit the petitioner to collect the vehicle entry fee in the Municipality Daily Market, Kovilpatti to the petitioner by executing the agreement for the same within the time that may be stipulated by this Court.

For Petitioner	: Mr.Ajmal Khan Senior Counsel for Ajmal Associates
For R1	: Mr.J.Parekh Kumar
For R2	: Mr.T.R.Jayapalam

ORDER

Heard the learned counsel on either side.

2. The Kovilpatti Municipality issued notification dated 16.07.2018 announcing the holding of tender-cum-auction with regard to conferring the right to collect the entry fee in the Daily Market belonging to the Municipality. The tender-cum-auction took place on



31.07.2018. The writ petitioner Thiru.S.Paulraj was found to be a highest bidder. He had offered a sum of Rs.36,36,000/- (Rupees Thirty Six Lakhs and Thirty Six Thousand only). The Municipality also passed a resolution and issued proceedings confirming his bid. While so, one Ravindraranjan on behalf of the Kovilpatti Vattara Viyaparigal Matrum Kaaikani Urpathiyalargal Nala Sangam, offered a higher bid to the tune of Rs.45,45,000/- (Rupees Forty Five Lakhs and Forty Five Thousand only) on the very next day. The Municipality thereupon issued the impugned notification dated 01.08.2018 announcing the holding of the re-auction. This is under challenge in this writ petition.

3. The learned counsel appearing for the writ petitioner submitted that rights have accrued in his favour following the confirmation of his bid. It is not in dispute that he was a highest bidder in the auction held on 31.07.2018. He also pointed out that the second respondent herein did not offer any higher bid on 31.07.2018.

4. I am not persuaded by the said submission of the learned counsel for the petitioner. As rightly contended by the learned counsel appearing for the respondents, Clause 15 of the notification dated 16.07.2018 clearly states that a person seeking re-auction will have to make a higher bid to the tune of 25% over and above the highest bid that was already offered. This should be done within one day. In this case, the auction had originally taken place on 31.07.2018. The second respondent had offered bid for Rs.45,45,000 (Rupees Forty Five Laksh and Forty Five Thousand only) on the very next day. Thus, the requirement set out in Clause 15 of the auction notification is amply fulfilled. Therefore, the impugned notification issued by the Municipality cannot be faulted. I find no ground to interfere.

5. The petitioner's bid amount is lying with the first respondent. Therefore, the first respondent is directed to return the amount deposited by the writ petitioner within a period of one week from the date of receipt of a copy of this order.

6. With these directions, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)



TO
The Commissioner cum
Executive Officer,
Kovilpatti Municipality,
Tuticorin District.

+1cc to M/s.AJMAL ASSOCIATES, Advocate, SR.No. 62050
+1cc to Mr.P.SRINIVAS, Advocate, SR.No. 62407
+1cc to Mr.T.R.JEYAPALAM, Advocate, SR.No. 61999

W.P.(MD)No.17617 of 2018

RMK

KK/SAR/14.05.2019/ 3P- 5C