



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY**

W.A. (MD) .No.1007 of 2019

Smt.A.Chellam

... Appellant/Petitioner

Vs.

1.The Special Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti,
Madurai District.

2.The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti,
Madurai District.

3.The District Collector,
Madurai District,
Madurai Collector Office Campus,
Madurai.

4.The District Public Relations Officer,
Madurai Collector Office Campus,
Maudrai.

.. Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.2866 of 2019 dated 13.02.2019.

Prayer in WP(MD) . 2866/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 & 2 to hold fresh general auction in respect of shop number 19 and 20 situated at Shopping complex, T.Kallupatti Bus Stand, T. Kallupatti, Madurai District since the auction held on 31.12.2018 and 08.01.2019 vide proceedings Na.Ka.No.235/2018 by the 1st and 2nd respondent is illegal and contrary to the law in respect of shop number 19 and 20.



For Appellant

: Mr.K.K.Balaram

For Respondents

: Mr.A.Muthukaruppan

Additional Government Pleader

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JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.K.Balaram, learned counsel appearing for the appellant and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

2.This appeal is directed against the order passed in W.P.(MD).No.2866 of 2019 dated 13.02.2019.

3.The appellant, who has participated in the auction held by the respondent/ Town Panchayat, in respect of two shops in the Bus Stand shopping complex, filed a writ petition during February 2019 to cancel the auction conducted for Shop Nos.19 and 20. The appellant was fully aware that as on the said date, the shops have been allotted to one Manickam and proceedings have been issued. Though such was the factual position, the said Manickam was not impleaded as a respondent in the writ petition nor the proceedings for allotting the shops in favour of Manickam were questioned. Apart from that, the appellant, who had participated in the auction, after the auction was completed and confirmed in favour of Manickam, had taken back her demand draft for Rs.1,00,000/- each in respect of those two shops, for which, the appellant offered and paid.

4.The learned counsel for the appellant submitted that there are gross irregularities committed by the respondent/ Town Panchayat in the conduct of auction not only in respect of the shop Nos.19 and 20, but other shops as well.

5.In our considered view, the relief sought for in the writ petition could not have been granted in the absence of the successful bidder in whose favour the shops were allotted. Apart from that, the appellant having taken back the demand draft deposited by her and by signing the Register will go to show that the appellant had confined to the fact that the shop has been allotted in favour of one Manickam.

6.The learned counsel raised several other grounds before us, which, in our considered opinion, cannot be tested in the writ petition filed by the appellant in his personal capacity as he participated in the auction. In other words, the writ petition was not a public interest litigation. So the other grounds canvassed by the appellant before us cannot be consider in this appeals.



7. For the above reasons, this Writ Appeal fails and stands dismissed. No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Special Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.
2. The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.
3. The District Collector,
Madurai District,
Madurai Collector Office Campus,
Madurai.
4. The District Public Relations Officer,
Madurai Collector Office Campus,
Maudrai.

+1 CC to M/s.K.K. BALARAM, Advocate SR-91721.

ORDER MADE IN
W.A. (MD) .No.1007 of 2019

CS (04.11.2019) 3P 6C