



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

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DATE :29.08.2019

CORAM

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND**

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) NO. 18786 OF 2019

AND

W.M.P. (MD) NOS. 15127, 15128 & 15130 OF 2019

P.Senthil

.. Petitioner

- Vs -

1. The District Collector/
Panchayat Inspector
Collectorate Office
Trichy District.
2. The Special Officer/Block
Development Officer
Panchayat Union
Thottiyam Panchayat Union
Thottiyam Taluk, Trichy Dt.
3. The Panchayat Secretary
Ellurpatti Panchayat
Thottiyam Panchayat Union
Thottiyam Taluk,
Trichy District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records relating to the order passed by the 2nd respondent in Na.Ka.A2/429/2019 dated 14.8.2019 and quash the same

W.P.No.18786/2019



and consequently direct the respondents to conduct fresh tender-cum-auction under the Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases & Sales in the Panchayats) Rules, 2001.

For Petitioner : Mr. N.Sudhagar Nagaraj

For Respondents : Mr. A.K.Baskarapandian, Spl. G.P.
For RR-1 & 3
Ms. S.Srimathy for R-2

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

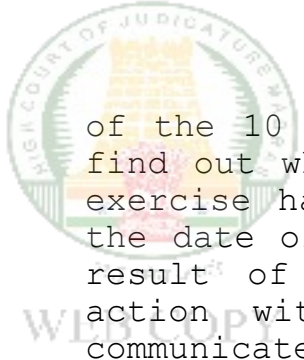
The petitioner claims to be a public interest litigant and eking out his livelihood as an agriculturist and his only grievance appears to be that the 2nd respondent has issued auction notification dated 14.8.19 for granting licence to run business in 10 shops and all the 10 shops are in a highly dangerous and dilapidated condition.

2. Learned counsel appearing for the petitioner submits that apart from the fact that the shops are in a dilapidated condition, the shops are also not provided with any basic facilities or amenities and there is every possibility that the superstructure may collapse, which may result in loss of lives and property and, therefore, came forward to challenge the impugned tender-cum-auction notification dated 14.8.19 on the file of the 2nd respondent.

3. Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice for respondents 1 and 3 and on instructions submit that the brother of the petitioner is one of the intending bidders and also pointed out that for want of bidders, the auction has been postponed to 26.9.19 and the grievance expressed by the petitioner as to the condition of the superstructure housing the shops would be considered. Ms.Srimathy, learned counsel accepts notice for the 3rd respondent.

4. This Court heard the rival submissions and also perused the materials available on record.

5. This Court, taking into consideration the above facts and circumstances, is of the considered view that the only grievance made out by the petitioner could be with regard to the condition/suitability of the superstructure, which houses 10 shops and as such he cannot make a challenge to the impugned tender notification and that apart, the tender-cum-auction in respect of the shops also got postponed to 26.9.19 for want of bidders. However, this Court, taking into consideration the limited grievance expressed by the petitioner as to the alleged dilapidated condition



of the 10 shops, directs the 2nd respondent to cause inspection to find out whether it requires necessary repairs or not and the said exercise has to be carried out within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take immediate and appropriate action within a further period of four weeks thereafter and communicate the decision taken to the petitioner.

6. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector/
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+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-84131[F] dated 29/08/2019)

+1 CC to M/s.SPL GP (SR-84479 & 84540[F] dated 30/08/2019)

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