



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.20310 of 2019

and

W.M.P. (MD)Nos.16925 and 16927 of 2019

K.Thangamariappan

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Ezhilagam, Chepauk,
Chennai.
- 2.The Kovilpatti Municipality,
Represented through its Commissioner,
Kovilpatti, Tuticorin District.
- 3.S.Paulraj
[R-3 impleaded as party respondent vide
order of this Court dated 23.10.2019 in
W.M.P. (MD)No.19151 of 2019]

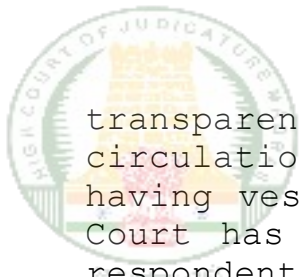
: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned auction -cum- tender notice issued by the second respondent dated 03.09.2019 and quash the same and consequently, direct the second respondent to conduct tender after issuing tender notification in compliance of "Section 9(3)" of the Tamil Nadu Transparency in Tenders Act, 1998.

For Petitioner	: Mr.H.Arumugam
For Respondent No.1	: Mrs.J.Padmavathi Devi, Special Government Pleader
For Respondent No.2	: Mr.J.Parekh Kumar,
	For Mr.P.Srinivas
For Respondent No.3	: Mr.G.Prabhu Rajadurai

ORDER

The grievance of the petitioner is that the tender -cum-
<https://hcserviceportal.hcservices.gov.in/hcservices/> conducted by the second respondent in open and



transparent manner. The publication in newspaper having wide circulation is not given and it is then within the group of people having vested interest in this matter. Considering the same, this Court has granted stay of public auction proposed by the second respondent.

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2. Aggrieved over the stay of auction, the previous successful bidder of the previous auction filed a petition to implead himself as a party-respondent in this matter. The impleading petition was ordered by this Court today (23.10.2019). The newly impleaded respondent would bring the judgment of the Division Bench of this Court dated **16.08.2019 in W.A.(MD)No.628 of 2019 [S.Paulraj vs. The Commissioner -cum- Executive Officer, Kovilpatti Municipality, Tuticorin District]** to the notice of this Court. The Division Bench has observed as under:

"8. Accordingly, this Writ Appeal is disposed of as follows:

(a) The order passed by the Writ Court is set aside and the matter is remitted back to the respondent Municipality for conducting fresh auction by keeping the upset price as Rs.45,45,000/-.

(b) The fresh auction proceedings shall be conducted and completed within a period of four weeks from the date of receipt of a copy of this order.

(c) It is open to the writ petitioner as well as the second respondent to take part in the auction provided they satisfy the qualification criteria fixed by the respondent Municipality.

(d) In the event of failure on the part of the writ petitioner to become the successful bidder or if he is not satisfying the qualification criteria as per the fresh tender notification, the amount already paid by the writ petitioner as stated supra namely, a sum of Rs.45,45,000/- shall be refunded to the writ petitioner in accordance with the terms and conditions of the fresh auction notification.

(e) Till such time, the second respondent, who is said to have been issued with license by the respondent Municipality shall continue the collection of the entry fee."

3. In compliance with the judgment of the Division Bench only, the public auction notification has been given. Now, in order to set right the transparency, this Court gives a direction to the second respondent to conduct tender -cum- auction in conformity with all legal requirements and by giving wider publication through newspaper having more circulation in the State. As per the directions of the Division Bench of this Court in **W.A. (MD) No. 628**



of 2019, dated 16.08.2019, the second respondent is directed to complete the tender process, within a period of four weeks from the date of receipt of a copy of this order. The second respondent Municipality is directed to issue suitable modifications, so that, the tender notification is not stayed by this Court in future also.

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4. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To
1. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Ezhilagam, Chepauk,
Chennai.

2. The Commissioner, Kovilpatti Municipality,
Kovilpatti, Tuticorin District

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-94019[F] dated 23/10/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-94121[F] dated 24/10/2019)

+1 CC to M/s.P.SRINIVAS, Advocate (SR-94190[F] dated 24/10/2019)

Order made in
W.P. (MD) No.20310 of 2019

Dated: 23.10.2019

KM/(25.10.2019) 3P 6C