



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.01.2020**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAIWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P. (MD) No.149 of 2020

and

W.M.P. (MD) Nos.93 & 94 of 2020

Amala V.Beula

... Petitioner

-vs-

1.The District Collector
Kanyakumari District

2.The Assistant Director of Town Panchayat
Kanyakumari District

3.The Executive Officer
Karungal Selection Grade Panchayat
Karungal
Kanyakumari District

... Respondents

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 order issued by the third respondent herein in Na.Ka.No.93/2019/A2 dated 18.12.2019, quash the same and further direct the respondents herein to conduct fair and transparent auction after due compliance of the specific directions issued by this Court dated 01.10.2019 in W.P.(MD) No.14225 of 2019 and W.P.(MD) No.14341 of 2019.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.R.Murugan
Additional Government Pleader for R1 & R2
Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.R.Sethuraman
Special Government Pleader for R3



O R D E R

[Order of the Court was made by M.DURAISWAMY, J.]

The petitioner has filed the above writ petition as a public interest litigation to issue a writ of certiorarified mandamus to call for the records relating to the impugned tender notification issued by the third respondent, dated 18.12.2019, to quash the same and further, to direct the respondents to conduct fair and transparent auction after due compliance of the specific directions issued by this Court, dated 01.10.2019, in W.P.(MD) Nos.14225 and 14341 of 2019.

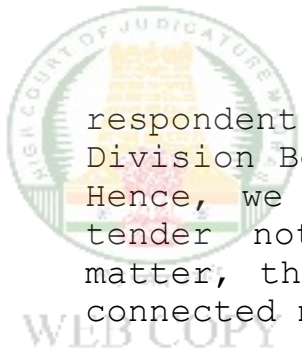
2. Admittedly, the petitioner, though filed the writ petition as a public interest litigation, has also submitted her bid pursuant to the tender notification dated 18.12.2019, which is under challenge in this writ petition. When the petitioner has got personal interest in the tender process, she cannot file the writ petition as a public interest litigation. On this ground alone, the writ petition is liable to be rejected.

3. Even on merits, the Honourable Division Bench of this Court in W.P.(MD) Nos.14225, 14341 and 14256 of 2019, by a common order dated 01.10.2019, while disposing of the writ petitions, observed that with regard to the public auction, the Executive Officer shall strictly adopt the procedure under the Rules and ensure that the persons, who have suffered disqualification, should not be permitted to participate in the public auction to be notified.

4. Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.R.Sethuraman, learned Special Government Pleader, who takes notice for the third respondent, submitted that the third respondent has issued the tender notification, dated 18.12.2019, only after following the directions issued by the Honourable Division Bench of this Court in the above referred writ petitions. Further, the learned Additional Advocate General submitted that the auction is being conducted only in respect of the shops where the period of lease had come to an end long ago. Further, the learned Additional Advocate General submitted that notices were also issued, on 23.12.2019 to 21 shops. That apart, on 03.01.2020, the Authorities have also issued reminder notices to the lessees.

5. The learned counsel appearing for the petitioner disputed the submissions of the learned Additional Advocate General.

6. However, we are of the considered view that the third



respondent has followed the directions issued by the Honourable Division Bench of this Court in the above referred writ petitions. Hence, we do not find any ground to interfere with the impugned tender notification, dated 18.12.2019. In such view of the matter, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To:

- 1.The District Collector,
Kanyakumari District.
- 2.The Assistant Director of Town Panchayat,
Kanyakumari District.
- 3.The Executive Officer,
Karungal Selection Grade Panchayat,
Karungal, Kanyakumari District.

+1 CC to SPL GP (SR-427[F] dated 07/01/2020)

+1 CC to MR.E.V.N.SIVA, Advocate (SR-608[F] dated 07/01/2020)

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