



THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.11.2021
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 24926 of 2021
and
W.MP. Nos.26240 & 26242 of 2021

R.Badrinisha

.. Petitioner

Versus

1 The Director of Sericulture
Office of The Director of Sericulture
Hasthampatty Salem - 636 007.

2 The Assistant Director of Sericulture
8 / 52 Dr. Balasundaram Road
Coimbatore - 641018.

3 Mrs. Vigneshwari
Canteen Regional Provident Fund Office
Dr.Balasundaram Road
Coimbatore - 641018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the public auction conducted by the second respondent on 17.09.2021 pursuant to the auction notice dated 02.09.2021 and quash the same and consequently, restrain the respondents herein from in any vacating the petitioner from the canteen premises situated in the second respondent's office complex at 8/52, Balasundaram Road, Coimbatore 641018 without due process of law.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.U.Bharanidaran (for R1 & R2)
Addl. Government Pleader
R3- No Appearance

O R D E R

This petition has been filed challenging the proceedings of the public auction conducted by the second respondent on 17.09.2021, pursuant to the auction notice dated 02.09.2021.

2. The petitioner was running a canteen, which was allotted by the second respondent through public auction in the second respondent's office complex for the period from 01.04.2015 to 31.03.2016 (2015-16). After getting an allotment for running the canteen, the petitioner spent huge amount for



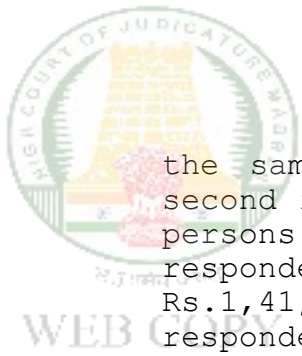
infrastructure development in order to run the canteen. Thereafter, the petitioner made an oral representation to the second respondent to grant at least five years contract so as to enable her to discharge the loan availed by her. After expiring of the license period i.e. 31.03.2016, the petitioner made a request to renew the same. But the second respondent refused to renew the license, which compelled the petitioner to file a suit in O.S.No.562 of 2017 and the same was dismissed with direction directing the petitioner to pay the entire amount due to the second respondent. Even the entire amount was made by the petitioner, the canteen was not renewed in favour of the petitioner and thereafter, the second respondent had conducted public auction and the said canteen was allotted to the third respondent vide proceedings dated 17.09.2021. Aggrieved over the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that pursuant to the order of the Court below, the entire amount was paid to the second respondent including the arrears amount. Even thereafter, the second respondent has not renewed the license of the canteen. In the mean while, the second respondent conducted public auction on 02.09.2021 and the canteen was allotted to the 3rd respondent. The 3rd respondent is running the canteen, which is next to the office of the second respondent premises and hence, nothing would be prejudice to the 3rd respondent, if the auction is cancelled. Hence, the petitioner prays to quash the auction proceedings, which was conducted by the second respondent and prays to allow this petition.

4. The learned Additional Government Pleader submitted that the lease period of the petitioner is from 01.04.2015 to 31.03.2016 and the petitioner is the defaulter for non-payment of the monthly rent to the second respondent. For non-renewal of the lease, the petitioner filed a suit before the Court below and the same was dismissed for default with cost. After obtaining legal opinion, the second respondent conducted the public auction and allotted the canteen to the third respondent. In view of the above, the proceedings cannot be quashed, at this stage and the prayer sought for by the petitioner is become infructuous.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2, and perused the materials available on record.

6. Admittedly, the petitioner was running the canteen allotted by the second respondent, through public auction and thereafter, the petitioner has not paid the monthly rent regularly. Therefore, the second respondent has not renewed the license of the canteen in favour of the petitioner. Due to non-renewal, the petitioner filed the suit and the same was dismissed for default with cost and the trial Court was directed the petitioner to pay the entire due amount to the second respondent. Subsequently, the petitioner has also paid



the same. After getting legal opinion from the experts, the second respondent conducted public auction on 02.09.2021 and 12 persons were participated in that auction and the third respondent, who is the successful bidder was paid a sum of Rs.1,41,300/- and the said canteen was allotted to the 3rd respondent.

7. A perusal of the materials available on record reveals that auction was conducted for leasing the canteen in which the petitioner and the 3rd respondent participated and the 3rd respondent has come out successful in the said auction and he has also paid a sum of Rs.1,41,300/- towards the bid amount. It is no where alleged by the petitioner that the auction was not conducted in a proper manner or that there are procedural violations in the conduct of the auction. The only grievance of the petitioner is that the renewal application of the petitioner was not considered for which the respondent has submitted that due to default on the part of the petitioner, the renewal application was not considered. However, this Court is not inclined to go into the said issue. It is always open to the respondents to conduct the auction and so long as the auction is conducted in a manner known to law and there is no procedural irregularity, the auction cannot be interfered with. As pointed out above, the petitioner has not claimed any procedural irregularity. That being the case, the prayer of the petitioner for cancelling the public auction cannot be acceded to.

8. In the reasons aforesaid, there being no merit in the petition, accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rli
To

- 1 The Director of Sericulture
Office of The Director of Sericulture
Hasthampatty Salem - 636 007.
- 2 The Assistant Director of Se
riculture 8 / 52 Dr. Balasundaram Road
Coimbatore - 641018.

+1 cc to Government Pleader Sr.NO. 61959

<https://hcservices.ecourts.gov.in/hcservices/>

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A.SK(06.01.2022)

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