



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.24473 of 2018

and

W.M.P (MD) .Nos.22185 and 22186 of 2018

K.Suresh

... Petitioner

Vs.

The Commissioner,
Melur Municipality,
Melur, Madurai.

... Respondent

Prayer : 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 impugned Tender cum Auction Notice issued by the respondent in Na.Ka.No.2212/2018/A2 dated 27.11.2018, published in "Tamilaga News" Tamil Daily dated 30.11.2018 and quash the same in so far as Weekly Market is concerned and consequently direct the respondent to extend the lease of Weekly Market as per G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007.

For Petitioner	: Mr.P.P.Alwin Balan
For Respondent	: Mr.J.Gunaseelan Muthiah

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus relating to a tender cum auction notice issued by the respondent / the Commissioner, Melur Municipality, Melur, Madurai dated 27.11.2018.

2. It is represented by Mr.J.Gunaseelan Muthiah, learned counsel who appears for the respondent that pending the Writ Petition, auction had been conducted and for the next block period, again another auction had been conducted.

3. It is therefore stated that the relief sought in the Writ Petition has become infructuous and cannot be granted by this Court. In view of that particular fact, this Writ Petition stands dismissed.



4. However, the writ petitioner is also given the liberty to give a representation to the respondent, since it is stated that the period of the present auction bidder would expire in March 2022, to consider the petitioner's request to grant lease by recognizing that the petitioner was a lessee and also grant permission to the petitioner to participate in the auction proceedings if it is conducted in March 2022. Such representation may be given by the petitioner on or before 31.01.2022 and the respondent must answer to it before issuing or taking any steps to either conduct fresh auction or issue fresh lease of the shop in accordance with law.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner,
Melur Municipality,
Melur, Madurai

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-39188[F] dated 16/12/2021)

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-39656[F] dated 20/12/2021)

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