



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3636 of 2022

W.M.P. (MD) .Nos.3171 & 3172 of 2022

WEB COPY

Melur Vatta Pothu Thozilalar Sangam,
Rep. by its Vice President,
S.P.Manavallan,
S/o Subbiah,
13D, Arunugam Pillai Street,
Melur Taluk,
Madurai District.

.. Petitioner

Vs

1.The State of Tamil Nadu,
rep. by its Principal Secretary,
Municipal Administration and Water Supply Department,
Fort st. George,
Chennai - 09.

2.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The District Collector,
District Collectorate,
Madurai District,
Madurai.

4.The Melur Municipality,
Rep. by its Commissioner,
Melur,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Tender Notification in Na.Ka.No.76/2021/A2, dated 11.01.2022 on the file of the respondent No.4, published in Tamil news daily Madurai District Edition of 'Daily Thanthi' on 13.01.2022 and quash the same as illegal and consequently, direct the respondent to demolish the dangerous structure and reconstruct the Market shops within the time frame stipulated by this Court.

For Petitioner

: Mr.M.Mahaboob Fazil for
M/s. T.Lajapathi Roy

For Respondents

: Mr.T.Amjad Khan
Government Advocate



ORDER

This writ petition has been filed challenging the impugned tender notification dated 11.01.2022, issued by the fourth respondent. According to the petitioner, the impugned tender notification has been issued for the purpose of collecting ground rent from 106 shops in Melur Market, Melur.

2.It is the contention of the petitioner that the said shops are in a dilapidated condition and not fit for occupation and on that ground they have challenged the impugned tender notification.

3.Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents, on instructions, would submit that the respondents have taken a call now that they are not going to go ahead with the impugned tender notification and instead decided to demolish the existing building and call for a fresh tender notification, thereafter.

4.Since an undertaking has been given by the respondents through the Government Advocate, that the impugned tender notification is not going to be proceeded with, the impugned tender notification has to be necessarily quashed and the writ petition will have to be allowed.

5.Accordingly, the impugned tender notification dated 11.01.2022, issued by the fourth respondent, is hereby quashed and the writ petition is allowed. However, liberty is granted to the respondents to issue fresh tender notification with regard to the subject property in the manner known to them under law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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

1.The Principal Secretary, State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort st. George,
Chennai - 09.

2.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The District Collector,
District Collectorate,
Madurai District,
Madurai.

4.The Commissioner,
Melur Municipality,
Melur,
Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-9108[F] dated
01/03/2022)

+1 CC to M/s.SPL GP (SR-9178[F] dated 01/03/2022)

W.P. (MD)No.3636 of 2022
28.02.2022

MGJ(15.03.2022) 3P 7C