



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5171 of 2022

and W.M.P. (MD) .Nos.4204 and 4207 of 2022

WEB COPY

C.Raju

.. Petitioner

Vs

1.The Director of Town Panchayath,
Town Panchayath Directorate,
7th and 8th Floor,
Urban Administrative Office Campus,
MRC Nagar, Rajaannamalaipuram,
Chennai - 28.

2.The Assistant Director of Town Panchayath,
Collectorate Campus,
Nagercoil,
Kanniyakumari District.

3.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai,
Kanniyakumari District.

4.The Chairman,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai,
Kanniyakumari 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 auction cum tender notification issued by the 3rd respondent herein in Na.Ka.No.104/2022/A1, dated 11.03.2022 and quash the same as illegal and further direct the respondents herein to permit the petitioner to do business in A.P.A.M.T. Shop No.9,10 and 11 outside of the Kaliyakkavilai daily market for the financial year start from 01.04.2022 to 31.03.2023.

For Petitioners : Mr.K.P.Krishna Doss

For Respondents : Mr.B.Saravanan for R1 and R2
Additional Government Pleader

Mr.T.Amjad Khan for R4
Government Advocate



ORDER

This writ petition has been filed challenging the auction cum tender notification issued by the 3rd respondent herein in Na.Ka.No.104/2022/A1, dated 11.03.2022 and also to issue consequential direction to the respondents herein to permit the petitioner to do business in A.P.A.M.T. Shop No.9,10 and 11 outside of the Kaliyakkavilai daily market for the financial year starting from 01.04.2022 to 31.03.2023.

2.Heard Mr.K.P.Krishna Doss, learned counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the fourth respondent.

3.The learned Government Advocate would submit that the very same auction notification, which has been challenged in this writ petition has been quashed by this Court, by order dated 22.02.2022, passed in W.P.(MD).No.5068 of 2022.

4.Recording the said submissions made by the learned Government Advocate appearing for the respondents, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

5.The petitioner has also sought for a consequential relief, in this writ petition, seeking for a direction to the respondents to permit the petitioner to do business in A.P.A.M.T. Shop No.9,10 and 11 outside of the Kaliyakkavilai daily market for the financial year starting from 01.04.2022 to 31.03.2023, on the ground that he has already paid the charges for the said period. The petitioner is permitted to give a fresh representation to the respondents for the said purpose within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondents shall consider the same on merits and in accordance with law and pass final orders, within a period of four weeks, thereafter.

Sd/-

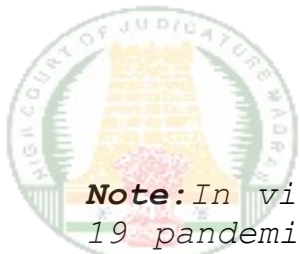
Assistant Registrar (AE)

// 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 Director of Town Panchayath,
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Kanniyakumari District.
- 4.The Chairman,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai,
Kanniyakumari District.

+1 CC to M/s.K.P.KRISHNADOSS, Advocate (SR-14134[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14833[F] dated 28/03/2022)

W.P. (MD)No.5171 of 2022
24.03.2022

MGJ(04.04.2022) 3P 7C