



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5200 of 2022

and

W.M.P.[MD]Nos.4227 to 4229 of 2022

WEB COPY

Zaviar John

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Kanyakumari District.

2.The Assistant Director,
District Town Panchayat,
Kanyakumari District.

3.The Executive Officer,
Kaliayakkavilai Town Panchayat,
Kaliayakkavilai Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned auction notice issued by the third respondent dated 11.03.2022 in Na.Ka.No.104/2022/A1 quash the same and further direct the respondent to allot any shop to continue the petitioners business as per the assurance made by the respondents.

For Petitioner	: Mr.F.Deepak
For Respondents	: Mr.T.Amjad Khan
1,2	Government Advocate
For Respondent No.3	: Mr.B.Saravanan
	Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the auction notification dated 11.03.2022 issued by the third respondent and seeking for a consequential direction to the respondents to allot any shop to enable the petitioner to continue with his business as per the assurance given by the respondents.

2.Heard Mr.F.Deepak, learned Counsel appearing for the writ petitioner, Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2 and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the third respondent.



3.On instructions, learned Government Advocate appearing for the respondents 1 and 2 would submit that the very same auction notification which has been challenged in this writ petition has been quashed by this Court in W.P.[MD]No.5068 of 2022 on 22.03.2022.

4.Since the impugned auction notification has been quashed, the first limb of the prayer sought for in this writ petition has been achieved. However, with regard to the second limb of the prayer namely to consider the petitioner's representation seeking for allotment of any shop to continue with the petitioner's business as per the assurance made by the respondents is concerned, the same will be considered on merits and in accordance with law before finalization of the future auction notification, after affording an opportunity of personal hearing to the petitioner.

5.The Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
District Collectorate,Kanyakumari District.

2.The Assistant Director,
District Town Panchayat,Kanyakumari District.

3.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai Post,Kanyakumari District.

+1 CC to M/s.SPL GP (SR-14530[F] dated 25/03/2022)

+1 CC to M/s.F.DEEPAAK, Advocate (SR-14401[F] dated 25/03/2022)

W.P.[MD]No.5200 of 2022
24.03.2022

NSN(CO)

KB(05.04.2022) 2P 6C