



W.P(MD)No.18173 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18173 of 2022

and

W.M.P.(MD)Nos.13255 and 13256 of 2022

S.P.Maharaja

... Petitioner

Vs.

**1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.**

**2.The Assistant Commissioner (Incharge),
Tirunelveli City Municipal Corporation,
Tirunelveli District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.A1/405/2022 dated 08.08.2022 and quash the same and consequently pass final order in the the Tender/Auction proceedings taken place on 06.07.2022 pursuant to the notification issued by the 2nd respondent on 22.06.2022 with regard to the grant of leasehold right for the collection of



W.P(MD)No.18173 of 2022

payment in the slaughter house situated at a junction between Pettai-Old Pettai Road, Tirunelveli city as expeditiously as possible within the stipulated as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.Sivanu Pandian,
Standing Counsel.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents.

2.The petitioner was licensed to run the petition mentioned slaughter house. The license period expired on 25.07.2022. The respondents issued tender notification calling for tenders for grant of license for the subsequent period. The tenders were opened on 06.07.2022. It turned out that there were only two tender applicants. One of them was the writ petitioner and the other was his mother. The respondents in its council meeting rightly came to the conclusion that the tender process deserved to be cancelled. The very purpose of conducting tender is to encourage competition. When the participants were only the writ petitioner and his mother, it cannot be called as competition at all.



W.P(MD)No.18173 of 2022

Therefore, I cannot interfere with the decision of the respondents in cancelling the tender process and going ahead with a fresh tender process. Now the only question that arises for consideration is who should run the slaughter house in the meanwhile. It is seen that the petitioner was earlier granted permission to run the slaughter house as an interim arrangement on payment of certain charges. In my view the said arrangement can very well continue. But the respondents are directed to issue fresh tender notification and advertise the same widely and conclude the tender process within a period of eight weeks from the date of receipt of a copy of this order. Till the fresh tender process is finalized which in case will be done within a period of eight weeks from the date of receipt of a copy of this order, the petitioner can continue to run the slaughter house.

3.The writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

11.08.2022

Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.18173 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.18173 of 2022

11.08.2022