



W.P.No.3673 of 2023 & batch

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.3673, 3678, 3682, 3683, 6891 & 6894 of 2023

and

W.M.P.Nos.3756, 3758, 3763, 3765, 3767, 3768, 3769, 3770, 3771, 3773,
6982, 6984, 6986, 6990, 6991 & 6992 of 2023

W.P.No.3673 of 2023

Peter Lurudusamy Selvam

S/o.Selvam

Door No.3/336, 2nd Cross Periyar Nagar

Krishnagiri

Tamil Nadu 635 001

... Petitioner

Vs.

1.The Krishnagiri Municipality

Rep. by its Municipal Commissioner

Office of the Commissioner

Krishnagiri District

2.A.Sundarammal

Municipal Commissioner

Krishnagiri Municipality

3.Lucas

Revenue Commissioner

Krishnagiri Municipality

... Respondents



W.P.No.3673 of 2023 & batch

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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned tender notice in Na.Ka.No.2200/2021/A2 dated 23.01.2023 issued by the 1st Respondent, published in Dhinamani newspaper dated 28.01.2023 and quash the same.

W.P.No.3678 of 2023

Khalif Ulla Sheriff
S/o.Ubedulla Sheriff
Door No.1/29, Wahab Nagar
Krishnagiri
Tamil Nadu 635 001

... Petitioner

Vs.

1.The Krishnagiri Municipality
Rep. by its Municipal Commissioner
Office of the Commissioner
Krishnagiri District
Tamil Nadu 635 001

2.A.Sundarammal
Municipal Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001

3.Lucas
Revenue Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001

... Respondents



W.P.No.3673 of 2023 & batch

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order notice in Na.Ka.No.2200/2021/A2 dated 23.01.2023 issued by the 1st Respondent, published in Dhinamani newspaper dated 28.01.2023 and quash the same.

W.P.No.3682 of 2023

Peter Lurudusamy Selvam
S/o.Selvam
Door No.3/336, 2nd Cross Periyar Nagar
Krishnagiri
Tamil Nadu 635 001

... Petitioner

Vs.

1.The Krishnagiri Municipality
Rep. by its Municipal Commissioner
Office of the Commissioner
Krishnagiri District
Tamil Nadu 635 001

2.A.Sundarammal
Municipal Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001

3.Lucas
Revenue Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001

... Respondents



W.P.No.3673 of 2023 & batch

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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2981/2021/A2 dated 24.01.2023 issued by the 1st Respondent and quash the same and consequently direct the 1st Respondent to issue work orders and allot place of collections in accordance with the allotment order dated 10.10.2022 in Ref. No.1200/2022/A2 issued in favour of the Petitioner for the work “Collection of duty in daily market”.

W.P.No.3683 of 2023

Khalif Ulla Sheriff
S/o.Ubedulla Sheriff
Door No.1/29, Wahab Nagar
Krishnagiri
Tamil Nadu 635 001

... Petitioner

Vs.

1.The Krishnagiri Municipality
Rep. by its Municipal Commissioner
Office of the Commissioner
Krishnagiri District
Tamil Nadu 635 001

2.A.Sundarammal
Municipal Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001



W.P.No.3673 of 2023 & batch

WEB 3.Lucas

Revenue Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No.2981/2021/A2 dated 24.01.2023 issued by the 1st Respondent and quash the same.

W.P.No.6891 of 2023

Peter Lurudusamy Selvam
S/o.Selvam
Door No.3/336, 2nd Cross Periyar Nagar
Krishnagiri
Tamil Nadu 635 001

... Petitioner

Vs.

1.The Krishnagiri Municipality
Rep. by its Commissioner
Office of the Commissioner
Krishnagiri District
Tamil Nadu 635 001

2.A.Sundarammal
Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001



W.P.No.3673 of 2023 & batch

WEB 3.Lucas

Revenue Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned notice in Na.Ka.No.542/2023/A2 dated 23.02.2023 issued by the 1st Respondent and quash the same.

W.P.No.6894 of 2023

Khalif Ulla Sheriff
S/o.Ubedulla Sheriff
Door No.1/29, Wahab Nagar
Krishnagiri
Tamil Nadu 635 001

... Petitioner

Vs.

1.The Krishnagiri Municipality
Rep. by its Municipal Commissioner
Office of the Commissioner
Krishnagiri District
Tamil Nadu 635 001

2.A.Sundarammal
Municipal Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001



W.P.No.3673 of 2023 & batch

WEB 3.Lucas

Revenue Commissioner
Krishnagiri Municipality
Krishnagiri District
Tamil Nadu 635 001

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned notice in Na.Ka.No.540/2023/A1 dated 23.02.2023 issued by the 1st Respondent and quash the same.

For Petitioner	: Mr.Richardson Wilson (in all the cases)
For Respondent	: Mr.Haja Nazirudeen Additional Advocate General Assisted by Mr.B.Anand (for R1 & R3) Standing counsel (in all the cases)

COMMON ORDER

WP.No.3673 & 3682 of 2023

WP.No.3673 of 2023 has been filed to call for the records pertaining to the impugned tender notice in Na.Ka.No.2200/2021/A2 dated 23.01.2023 issued by the 1st Respondent, published in Dhinamani newspaper dated



W.P.No.3673 of 2023 & batch

28.01.2023 and quash the same.

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2.W.P.No.3682 of 2023 has been filed to call for the records pertaining to the impugned order in Na.Ka.No.2981/2021/A2 dated 24.01.2023 issued by the 1st Respondent and quash the same and consequently direct the 1st Respondent to issue work orders and allot place of collections in accordance with the allotment order dated 10.10.2022 in Ref. No.1200/2022/A2 issued in favour of the Petitioner for the work “Collection of duty in daily market”.

3.In these Writ Petitions, the Petitioner is challenging cancellation of the allotment order dated 24.01.2023 and notification dated 28.01.2023, in view of certain personal allegations made against the 2nd & 3rd Respondents and the present Commissioner.

4.When the matter is taken up for hearing, learned Additional Advocate General filed a counter affidavit on behalf of Respondents 1 to 3. He would contend that certain allegations have been made against the then Commissioner and the present Commissioner, the Municipal Commissioner has conducted a meeting and put a quietus to the entire dispute and accordingly, they have taken steps. At paragraph No.21 of the counter affidavit it was stated as follows:

“21.It is respectfully submitted that this Hon'ble Court may be pleased to vacate the stay and to permit the first Respondent to



W.P.No.3673 of 2023 & batch

withdraw

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(1)Tender notification dated 23.01.2023 bearing Na.Ka.No.2200/2021/A2 which was published in Dinamani news paper dated 28.01.2023 which was impugned in the Writ Petition No.3673 of 2023 and

(2)The cancellation of allotment order dated 24.01.2023 bearing Na.Ka.No.2981/2021/A2 which was impugned in the Writ Petition No.3682 of 2023, without prejudice to their right to take appropriate proceedings under the show cause notice bearing Na.Ka.No.542/2023/A1 dated 23.02.2023 or by issuing fresh show cause notice by following due process of law. In view of the above Writ Petition becomes infructuous. ”

5.In view of the above said permission now sought for, I am inclined to grant permission as sought by the learned Additional Advocate General. Accordingly, the decision taken by the 1st Respondent to withdraw the cancellation of the allotment order dated 24.01.2023 and fresh tender invitation dated 28.01.2023 stand withdrawn. Consequently, these two Writ Petitions become infructuous.

W.P.Nos.3678 & 3683 of 2021

6.W.P.No.3678 of 2021 has been filed to call for the records pertaining to the impugned order notice in Na.Ka.No.2200/2021/A2 dated 23.01.2023



W.P.No.3673 of 2023 & batch

issued by the 1st Respondent, published in Dhinamani newspaper dated 28.01.2023 and quash the same.

7.W.P.No.3683 of 2021 has been filed to call for the records pertaining to the impugned order in Na.Ka.No.2981/2021/A2 dated 24.01.2023 issued by the 1st Respondent and quash the same.

8.These Writ Petitions have been filed challenging the cancellation of allotted tender work and subsequently calling for fresh tender on various grounds.

9.When the matter is taken up for hearing, learned Additional Advocate General filed a counter affidavit on behalf of Respondents 1 to 3. He would contend that certain allegations have been made against the then Commissioner and the present Commissioner, the Municipal Commissioner has conducted a meeting and put a quietus to the entire dispute and accordingly, they have taken steps. At paragraph No.20 of the counter affidavit it was stated as follows:

“20.It is respectfully submitted that this Hon'ble Court may be pleased to vacate the stay and to permit the first Respondent to withdraw

(1)Tender notification dated 23.01.2023 bearing Na.Ka.No.2200/2021/A2 which was published in Dinamani news paper dated 28.01.2023 which was impugned in the Writ Petition



W.P.No.3673 of 2023 & batch

No.3678 of 2023 and

(2)The cancellation of allotment order dated 24.01.2023 bearing Na.Ka.No.2981/2021/A2 which was impugned in the Writ Petition No.3683 of 2023, without prejudice to their right to take appropriate proceedings under the show cause notice bearing Na.Ka.No.540/2023/A1 dated 23.02.2023 or by issuing fresh show cause notice by following due process of law. In view of the above Writ Petition becomes infructuous. ”

10.In view of the above said permission now sought for, I am inclined to grant permission as sought by the learned Additional Advocate General. Accordingly, the decision taken by the 1st Respondent to withdraw the cancellation of the allotment order dated 24.01.2023 and fresh tender invitation dated 28.01.2023 stand withdrawn. Consequently, these two Writ Petitions become infructuous.

WP.Nos.6891 & 6894 of 2023

11.WP.No.6891 of 2023 has been filed to call for the records pertaining to the impugned notice in Na.Ka.No.542/2023/A2 dated 23.02.2023 issued by the 1st Respondent and quash the same.

12.WP.No.6894 of 2023 has been filed to call for the records pertaining to the impugned notice in Na.Ka.No.540/2023/A1 dated 23.02.2023 issued by



W.P.No.3673 of 2023 & batch

the 1st Respondent and quash the same.

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13.The learned Additional Advocate General would submit that these Writ Petitions are not maintainable against the show cause notice and if at all the Petitioners can offer their explanation the same will be considered by the Respondent in accordance with law.

14.Therefore, the Petitioners are given liberty to file their explanation within a period of three weeks from the date of receipt of a copy of this order and on such receipt of the same, the Respondent shall pass orders in accordance with law. With this direction, I am inclined to dismiss these Writ Petitions.

15.In fine, W.P.Nos.3673, 3678, 3682, 3683 of 2023 are dismissed as infructuous and W.P.Nos.6891 & 6894 of 2023 are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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W.P.No.3673 of 2023 & batch

To
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The Municipal Commissioner
Krishnagiri Municipality
Office of the Commissioner
Krishnagiri District
Tamil Nadu 634 001



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W.P.No.3673 of 2023 & batch

RMT.TEEKAA RAMAN.J,

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W.P.Nos.3673, 3678, 3682, 3683, 6891 & 6894 of 2023
and
W.M.P.Nos.3756, 3758, 3763, 3765, 3767, 3768, 3769, 3770,
3771, 3773, 6982, 6984, 6986, 6990, 6991 & 6992 of 2023

Dated: 21.03.2023