



WEB COPY



W.P.No.7319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.7319 of 2023
and
W.M.P.No.7405 of 2023

Karthik

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Villupuram District,
Villupuram - 605 602.

2.The Commissioner,
Villupuram Municipality,
Villupuram,
Villupuram District - 605 602.

3.The Revenue Officer,
Villupuram Municipality,
Villupuram,
Villupuram District - 605 602.

4.The Manager,
Villupuram Municipality,
Villupuram,
Villupuram District - 605 602.

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.2 to 4 to accept the sealed tender forms dropped by the petitioner in the tender box placed on 09.12.2022 for auction of shop Nos.44 and 71 inside the premises of the old bus stand, Villupuram pursuant to the proceedings of the 2nd respondent vide Na.ka.No.6938/2022/A1 dated 24.11.2022 which was scheduled on 09.12.2022 and consequently to consider those two tender forms as sealed tender forms of the petitioner for the public auction / sealed tender auction scheduled to be held on 07.03.2023, on permitting the petitioner inside the venue proposed for the said public auction on duly issuing identity card for attending the said auction called for by the 2nd respondent vide proceedings in Na.Ka.No.6938/2022/A1 dated 14.02.2023 which is scheduled to be held on 07.03.2023.

For Petitioner : Mr.K.Prabakar

For Respondents : Mr.R.Kumaravel
Additional Government Pleader
for R1 to R3

Mr.P.Srinivas
for R4

ORDER

The petitioner has applied for two shops in shop Nos.44 and 71 in the bus stand constructed by the Commissionerate of Villupuram Municipality.

The 2nd respondent municipality had constructed 76 shops within the



premises of the old bus stand in Villupuram and those shops were brought to public auction towards lease for a period of three years on payment of monthly rents, which was conducted prior to the local body election for the said Villupuram Municipality.

2. Out of the said 76 shops, only 64 were duly allotted to various successful bidders through the above said public auction, as the successful bidders of the remaining 14 shops had got cancelled due to non-compliance of the conditions of payment mentioned for said lease of those shops.

3. The petitioner in the Affidavit has averred that after the election of the new chairmanship to the Villupuram Municipality, the 2nd respondent had called for tenders for lease of those remaining 14 shops through open public auction and also sealed tenders, in his proceedings vide Na.Ka.No.6938/2022/A1 dated 08.09.2022 which was scheduled on 28.09.2022 and all the participants including the petitioner had intended to participate in the said open public auction but the same was announced to be cancelled.



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4. The petitioner has applied for the tender, pursuant to the third notification dated 24.11.2022 in a sealed cover in respect of shop Nos.44 and 71. By citing law and order problem and other administrative reasons, only for five out of nine shops, tender has been conducted. Subsequently, it was adjourned to 18.01.2023 and thereafter, again without rejecting the tender rendered by the petitioner in respect of the above two shops, the auction is scheduled for today i.e., on 07.03.2023 and hence, lunch motion was mentioned.

5. The matter is taken up by 4'O Clock today (07.03.2023).

6. Mr.R.Kumaravel, learned Additional Government Pleader takes notice for R1 to R3 and Mr.P.Srinivas, learned counsel takes notice for R4.

7. Based upon instructions, Mr.P.Srinivas, learned counsel could say that a notice was intimated to the petitioner on 06.03.2023 stating that tender in respect of shop Nos.44, 56 and 71, has been cancelled and respective individual was advised to get back the pre-deposited amount and also scheduled the notice of tender on 07.03.2023 (today).



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8. Mr.P.Srinivas, learned counsel for the Villupuram Municipality submitted that the tender process has been completed in the morning, today (07.03.2023).

9. After hearing the counsel for the petitioner and the respondents, the submission made by the petitioner that the earlier tender amount rendered by the petitioner may be adjusted by giving opportunity to participate in the auction scheduled for 07.03.2023. However, it was said to be adjourned as per the records produced by the learned counsel for the Municipality.

10. The earlier tender dated 24.11.2022 also stood cancelled and the subsequent notification dated 14.02.2023 was issued for the tender on 07.03.2023 (today).

11. In view of the subsequent development and also taking note of the fact that the tender quote given by the petitioner is pursuant to the earlier notification and subsequent notification has also come into force and process of tender was also completed this morning (today i.e., on



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07.03.2023), this Court expresses that the prayer as sought for in this Writ Petition cannot be granted, taking note of the fact that the petitioner has quoted to get the allotment of the shops in the Shop Nos.44 and 71. After the tenders have been opened, and if he offers the highest amount, over and above the highest bidder as per the clause in the tender, he may be considered.

12. With this liberty, the Writ Petition is disposed of. It is open to the petitioner to participate as stated above and to pay over and above, seeking allotment as per the tender conditions. In such a case, he has to go pay fees on application within the time limit. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

07.03.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

Note: Issue order copy on 08.03.2023.



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To

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RMT.TEEKAA RAMAN. J.,

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