



W.P.(MD) No.12675 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.12675 of 2023
and
W.M.P.(MD) Nos.10694 & 10696 of 2023**

P.Muthupandi

... Petitioner

-VS-

- 1.The District Collector
District Collectorate Premises
Dindigul, Dindigul District
- 2.The Commissioner of Corporation
Dindigul Municipal Corporation
Dindigul City, Dindigul District
- 3.The Block Development Officer
Village Panchayats
Dindigul Panchayat Union Office
Dindigul District
- 4.The Executive Officer
Pallapatti Village Panchayat
Dindigul Panchayat Union
Dindigul District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus by calling for the records pertaining to the impugned public auction / tender notice in Na.Ka.No.8860/2017/A7, dated 16.05.2023, published in the Thina Thanthi daily newspaper dated 23.05.2023 by the second respondent herein and to quash the same as arbitrary and illegal and consequently directing the first and second respondents to initiate legal action to close down Pallapatti temporary vetetable market and to shift the same to Dindigul Gandhi Market within the time frame fixed by this Court.

For Petitioner : No appearance

For Respondents : Mr.R.Baskaran, Additional Advocate General
assisted by Mr.V.Nirmal Kumar
Government Advocate for R1, R3 & R4
Mr.Veera Kathiravan, Additional Advocate General
assisted by Mr.Thirunavukkarasu for R2

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The public auction notice issued by the respondent – Municipal Corporation seeking to auction the right to collect entry fee from the vehicles that enter the Gandhi Market in Dindigul Corporation Limits is the subject matter of challenge in this writ petition.



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2. The ground on which the petitioner challenges the auction notice is that the market, which was functioning at its original location inside the Town, was shifted to four different places during the lock down period. Three of such markets, have since been closed and the business that was carried on in those places, have been restored to the original location, namely, Gandhi Market. However, once such location in Pallapatti continues to function even today, thereby the number of vehicles that enter the Gandhi Market, on daily basis, is substantially reduced.

3. It is the apprehension of the petitioner that in view of the lesser number of vehicles that enter the Gandhi Market, the respondent – Municipal Corporation may not fetch the desired bid, if the auction of the right to collect entry fee in the Gandhi Market is conducted at this stage. It is also stated that though the time for submitting tenders ended by 04.00 p.m., yesterday, there was no bidder. This supports the apprehension of the petitioner.

4. Mr.Veera Kathiravan, learned Additional Advocate General and Mr.R.Baskaran, learned Additional Advocate General, would, in unison, state that the lease period for the Pallapatti Market has already ended on



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WEB C 31.03.2023 and steps are being taken to have the interim order granted by the Writ Court in W.P.(MD) No.27981 of 2022 vacated. They would also submit that auction of the rights will be done after closure of the Pallapatti Market and restoration of the said business to the original location, namely, Gandhi Market.

5. Recording the above statement of the learned Additional Advocates General, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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