



W.P(MD)Nos.13996 to 14008 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)Nos.13996 to 14008 of 2023

and

W.M.P(MD)Nos.11813 to 11836, 11839 & 11840 of 2023

W.P(MD)No.13396 of 2023

Jeyaraman

... Petitioner

Vs.

1.The Commissioner

Madurai Corporation,

Madurai.

2.The Assistant Commissioner (Revenue) (Po),

Madurai Corporation,

Madurai.

... Respondents



W.P(MD)Nos.13996 to 14008 of 2023

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned order passed by the 2nd respondent vide ஸ்ர2/019064/2021 dated 12.11.2022 and quash the same as illegal and consequently direct the respondents to give an order of allotment to the petitioner for Shop No.16 at Multi-level car parking of Old Central Market, Madurai.

In all Writ Petitions

For Petitioners : Mr.T.Lajapathi Roy,
Senior Counsel
for Mr.A.Balaji

For Respondents : Mr.K.K.Kannan,
Standing Counsel

COMMON ORDER

Heard Mr.Mr.T.Lajapathi Roy, learned Senior Counsel for Mr.A.Balaji, learned counsel on behalf of the petitioners herein, Mr.K.K.Kannan, learned Standing Counsel on behalf of the respondents.



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2. Arguments are advanced with respect to all the Writ petitions and the learned Standing Counsel, also had instructions in common, with respect to the averments made. Therefore, a common order is passed in all the writ petitions.

3. Let me take as an illustration the facts in W.P.(MD) No.13396 of 2023, Jeyaraman Vs. The Commissioner, Madurai Corporation, Madurai and another.

4. This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking inteference with an order passed by the second respondent / Assistant Commissioner (Revenue) (Po), Madurai Corporation, Madurai, dated 12.11.2022 issued to the petitioner herein and consequently to direct the said respondent to allot to the petitioner Shop No.16 at Multi-level Car Parking of Old Central Market, Madurai.

5. The Writ Petitioners have been doing business as tenants of the Madurai Meenakshi Amman Thirukovil, Madurai, at the said place. Owing to various reasons more particularly, because at one



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particular point of time, the shops were burnt and they had to necessarily shift, the petitioners' shops were vacated and they had to hand over possession of that particular place to the landowner /Madurai Meenakshi Amman Thirukovil, Madurai. But the holding authority is Madurai Corporation.

6. There was an earlier litigation filed by Sri Meenakshi Sundareshwarar Kovil Kadaikararkal Sangam, represented by its President Rajunagulu, Madurai, who was running shop No.83 at Veeravasankarayar Mandapam, (Arulmighu Meenakshi Sundareshwarar Temple, Swamy Sannadhi, Madurai Vs. The Secretary to Government of Tamil Nadu, Department of Tourism and Culture, Chennai and three others). In that particular Writ Petition in W.P.(MD)No.20856 of 2021 by an order dated 23.02.2022, a learned Single Judge had examined the issue and had given a direction that as and when the shops are once again allotted at multi level car parking of Old Central market, Madurai, if the members of that particular association and participate in the auction and they were declared successful then on priority, the members of the association should be allotted shops.



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7. The learned Senior Counsel for the petitioners herein stated that though individual Writ Petitions have been filed, the Writ Petitioners are members of the said association. Let me take that statement at its worth.

8. Totally 52 shops were put up for auction. The petitioners were successful bidders. They had forwarded the amounts as required by anybody who participates in the auction, by way of demand draft. They awaited allotment letters. It is informed again by the learned Senior Counsel that 14 of those successful bidders have been allotted shops. On 22.11.2022, by the aforementioned, the second respondent had returned back the demand drafts back to the petitioners herein. The demand drafts were taken somewhere around September, 2022. They would have lapsed by now. The petitioners however, are said to have run from pillar to post seeking enforcement of a right which vested in them as successful bidders to be allotted their shops.

9. In all the writ petitions, the same averments have been made.



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10. The learned Senior counsel for the petitioners stated that the representations have been made and the delay in filing the writ petitions from November, 2022 was only since they fervently hoped that the respondents themselves would honour their commitment held out consequent to the action being conducted and the successful bidder would be allotted shops. But since no steps have been taken probably quite frustrated on being made to run around and around and losing hope that they would ever be allotted shops, the present Writ Petitions have been filed in the nature of a Certiorarified Mandamus. But the only relief this Court can grant, is the relief of Mandamus. The letter had worked itself out. The demand drafts have been returned back. Even though on paper, the demand drafts have been retained by the petitioners, there would be no possibility of them returning back the demand drafts to the second respondent and seeking to enforce a right which they claim has questioned in them. But the fact that they were successful bidders in the auction cannot be either denied or disputed by the respondents herein.



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11. I would therefore, place an obligation on the first respondent, Commissioner, Madurai Corporation, to issue fresh notices to these petitioners and invite them for a personal discussion and examine the fact about their auction bid and if it is found that they were successful bidders, proceed further if it is possible to allot shops to them. If for some reasons shops could not be allotted, it should not be done by way of the impugned order. since there is no reason at all given as to why the demand drafts forwarded by the petitioners were not accepted by the respondents herein. The reasons must be given. Prior to passing order,giving reasons opportunity of representation must be given. When representation is made, effective hearing should be afforded and thereafter, an order with reasons must be passed by the first respondents, prior to taking a decision to negative the claim of the petitioner herein.

12. It would not be worthwhile to negative the claims of the petitioners since it is asserted by the learned Senior Counsel that they are successful bidders. That factum may be kept in mind by the first respondent and it also may be kept in mind that consequent to auction, a



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right had vested in these petitioners who had a legitimate expectation that the shops would actually be allotted. On the basis of such expectation, they had also purchased demand drafts for the sums mentioned in the individual letters addressed to the writ petitioners and therefore, their bonafide cannot be suspected. The onus is now on the first respondent to, de hors the impugned order, issue notices to the petitioners herein, give an opportunity of hearing them out and thereafter, take a considered decision particularly, to repeat, keeping in mind that they are successful bidders for allotment of shops.

13. The first respondent may initiate issuance of notice within a period of two weeks from the date of receipt of a copy of this order and on receiving the representations, decision may be taken by the first respondent and the same may be communicated but with reasons and that exercise must be completed within a further period of three weeks from the date on which, the representations are received consequent to notice issued by the first respondent.



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14. With the above directions, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

15.06.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

RM

To

1.The Commissioner
Madurai Corporation,
Madurai.

2.The Assistant Commissioner (Revenue) (Po),
Madurai Corporation,
Madurai.



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C.V.KARTHIKEYAN, J.

RM

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