



W.P. (MD).No.15415 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.15415 of 2021
and W.M.P(MD)Nos.12323 and 12325 of 2021

R.Nagalakshmi

... Petitioner

Vs

The Commissioner,
Thanjavur Municipal Corporation,
Gandhiji Road, Thanjavur,
Thanjavur District 613 001.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ Certiorarified Mandamus, calling for the impugned tender proceedings of the respondent vide its proceedings in Na.Ka.No.7485/2015/MCA5, dated 27.07.2021 for the Shop No.7, C-Block, North right side portion, front side of Vlaam Salai, New Bus stand No.1, Thanjavur Municipal Corporation quash the same as illegal and further more direct the respondent to renew the lease.

For Petitioner : Mr. R.Rajaraman.

For Respondent : Mr.N.Dilipkumar
Standing Counsel



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ORDER

When the matter came up for hearing on 31.08.2021, this Court passed the following order:

“The petitioner challenges the tender proceedings, dated 27.07.2021. The main basis of challenge is that the licence was issued for a block period of nine years commencing from the date of handing over of the relevant shop. The admitted position is that such shop was handed over in early 2018.

2.Mr.N.Dilipkumar, learned standing counsel for the Thanjavur Municipal Corporation, accepts notice. He points out that the earlier interim order passed by this Court in a batch of writ petitions was carried by appeal in W.A(MD) No.1618 of 2021 and that the Division Bench of this Court modified the interim order to the extent of permitting the auction to be conducted but restrained the confirmation of bids.

3.In view of the aforesaid submissions, there shall be an interim order restraining the respondent from confirming the bids of the auction rescheduled on 01.09.2021 or any subsequent date in respect of Shop No.7, C Block. It is made clear that the auction may be conducted subject to the aforesaid condition. The aforesaid interim order shall operate for a period of three weeks from the date of receipt of a copy of this order.



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4.The respondent is directed to file a counter-affidavit by then after serving a copy thereof on the learned counsel for the petitioner.

5.Let the matter appear on September 21, 2021”

2.When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondent Corporation submitted that subsequently the shops were not let out as there were no bidders for the tender notification issued by the respondent Corporation. In view of the same, nothing survives in this writ petition at this length of time.

3.The learned counsel for the petitioner submitted that the petitioner is entitled for the refund of the security deposit amount paid. It is left open to the petitioner to make a fresh representation seeking for refund of security deposit and the same shall be dealt with by the respondent Corporation on its own merits and in accordance with law. The decision shall be conveyed to the petitioner within a period of four weeks from the date of fresh representation made by the petitioner.



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4. With the above terms this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

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

To
The Commissioner,
Thanjavur Municipal Corporation,
Gandhiji Road, Thanjavur,
Thanjavur District 613 001.



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N.ANAND VENKATESH, J.

PNM

ORDER IN
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