



W.P.No.2816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2816 of 2024 and
W.M.P.Nos.3075, 3076 & 3078 of 2024

V.Dhanalakshmi

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Urban Administrative Building,
No.3, MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

2.The Regional Director of Municipal Administration,
Tiruppur Region, Tiruppur.

3.The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned tender notice bearing Na.Ka.No.2278/2023/E1, dated 31.01.2024. issued by the third respondent and quash the same as arbitrary, illegal and unconstitutional.

For Petitioner : Mr.N.K.Ponraj

For Respondents : Mr.V.Ravi, SGP for R1 & R2
Mr.P.Srinivasan, Standing Counsel for R3



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned tender notice bearing Na.Ka.No.2278/2023/E1, dated 31.01.2024. issued by the third respondent and quash the same as arbitrary, illegal and unconstitutional.

2. Heard Mr.N.K.Ponraj, learned counsel for the petitioner and Mr.V.Ravi, learned Special Government Pleader takes notice for R1 & R2 and Mr.P.Srinivasan, learned Standing Counsel takes notice for the third respondent.

3. The learned Special Government Pleader for the respondents 1 and 2 submitted that earlier the very same petitioner and others have filed a Writ Petition in W.P.Nos.35618 of 2023 etc., batch, seeking to quash the order passed by the third respondent dated 08.12.2023. In the said Writ Petitions, the following order has been passed:

"13. The fact remains that some of the petitioners who are already in occupation of the demised premises have their licences subsisting until 2026. The petitioners



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are compelled to vacate the premises, not due to any default on their part. Since it is the respondents who have chosen to demolish or renovate the building, they have asked the petitioners to vacate the premises. So far as the petitioners in whose favour the licence is still subsisting cannot be asked to participate in the auction once again. However, it cannot be fair on the part of the petitioners to also pay the same licence charges for the new shops with additional amenities that are going to be constructed on the northern side of the bus stand.

14. In that case, it is up to the respondents to fix a fair licence fee and not to resort to any open auction. It is needless to state that the said arrangement is also an interim arrangement and the petitioners, who would be accommodated on the eastern side complex, will once again be accommodated on the northern side complex. In any case, it is made clear that no fresh auction can be conducted for the new shops during the subsistence of the licence.

In view of the above observations, these Writ Petitions are disposed. No costs. Consequently, connected miscellaneous petitions are closed."



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4. Since the petitioner's interest has been saved, this Writ Petition is unnecessary as of now and hence closed. No costs. Consequently, connected miscellaneous petitions are closed.

08.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



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To

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R.N.MANJULA, J.

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