



WEB COPY



W.A.No.1940 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1940 of 2021
and
C.M.P.No.12550 of 2021

A.L.Srinivasan

... Appellant

Vs.

1.The Commissioner,
Villupuram Municipality,
Villupuram,
Villupuram District.

2.M.Fakrudeen

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.03.2021 made in W.P.No.17634 of 2020 and consequently direct the 1st respondent to allot the Shop No.1 to the appellant situated near old bus stand, Villupuram, Villupuram District.

For Appellants : Mr.M.Sathish Kumar

For R1 : Mr.D.Ravichander



WEB COPY



W.A.No.1940 of 2021

For R2

: Mr.M.Gnanamoorthy

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The order dated 10.03.2021 passed in W.P.No.17634 of 2020 is under challenge in the present Intra-Court appeal.

2. The petitioner is the appellant before us. The writ petition was instituted to direct Villupuram Municipality to allot the Shop No.1 to the appellant herein.

3. It is not in dispute that the appellant had participated in the process of tender pursuant to the tender notification issued by the Municipality. The 2nd respondent was a tenant even before construction of new shopping complex and filed a writ petition.

4. The High Court directed that the case of the 2nd respondent to be considered along with all other participants in the tender and preference shall be given to the 2nd respondent in the event that the 2nd respondent agrees to



W.A.No.1940 of 2021

pay the highest bid amount. The special condition was stipulated in the tender notification. The appellant accepted the special condition notified pursuant to the order of this Court and participated in the tender. Therefore, appellant cannot now turn around and question the allotment made in favour of the 2nd respondent, who agreed to pay the highest bid amount. There is no financial loss to the municipality. The 2nd respondent was in occupation of the old building, which was demolished and therefore, preference was given pursuant to the orders of this Court and the condition was included as a special condition in the tender notification.

5. That being the factum, we do not find any infirmity in respect of the order impugned passed in the writ petition and accordingly the same stands confirmed. Consequently, the Writ Appeal is dismissed. Connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

[S.M.S., J.] [C.K., J.]
06.06.2024

Jeni
Index : Yes
Speaking order / Non-speaking order
Neutral Citation : Yes



W.A.No.1940 of 2021

To

WEB COPY

The Commissioner,
Villupuram Municipality,
Villupuram,
Villupuram District.



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W.A.No.1940 of 2021

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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W.A.No.1940 of 2021

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