



WEB COPY



W.P.No.14463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14463 of 2024

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Petitioner

vs

The District Collector
Office of the District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Attur – 636 102, Salem District.

3.The Tahsildar,
Thalaivasal Taluk Office
Thalaivasal, Salem District.

4.The Block Development Officer,
Office of the Block Development Office,
Thalaivasal post and Taluk, Salem District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 4th respondent to order not to issue the tender notification for allotting 1 to 23 shops (except 20 shop) in Aragalur village panchayat, Talaivasal Taluk, Salem District without



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renovate the above same based on the representation of the petitioner dated 16.05.2024.

For Petitioner : Mr.M.Senthilkumar
For Respondents : Mr.P.Gurunathan, AGP for R1 to R3.
Mr.G.Krishna Raja, AGP for R4.

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The case of the petitioner is that for developing the panchayat union the 4th respondent auctioned the 23 shops (except 20 shops) by due tender proceedings to the said village people. The 4th respondent had allotted shop No.16 to the petitioner's husband by name Narasimman and the same was running till the year 2022. In the year 2022, some persons represented the 4th respondent for renovating the shop buildings, since the



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shop have been damaged. Thereby, the 4th respondent decided to renovate the building. On 19.05.2022, the 4th respondent issued notice to the tenants of the shops for vacating the shop within 31.05.2022, hence, the petitioner and other persons have vacated the premises. Subsequently, some unknown persons made a representation to the 4th respondent for issuing tender for allotting the shops. The 4th respondent without renovating the damaged building, issued tender notice for the damaged building. The petitioner made a representation to the respondents dated 16.05.2024, for stopping the tender process till the building is renovated. Hence, the present writ petition.

4. The learned Additional Government Pleader representing the respondents would submit that the petitioner has filed the present writ petition for not to conduct tender auction for the shops in Aragalur Village Panchayat, Talaivasal Taluk, Salem District. The 4th respondent in his written instruction had stated that a suit in OS.No.130 of 2022 is pending before the District Munsif, Attur with regard to tendering the shops. Further the respondents have stated that the auction proceedings have been stopped.



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5. Admittedly in this case, the respondents have filed the photographs of the shops to substantiate that the shops are in good condition for usage. Unless and until the shops are renovated and it is found to be fit by the fitness certificate is issued by the Structural Engineer, PWD, the respondents cannot proceed further with the auction proceedings.

6. With the above observation, this writ petition is disposed of. No costs. The petitioner is at liberty to participate in the fresh auction proceedings, if any.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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V.BHAVANI SUBBAROYAN, J.

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