



WEB COPY



W.P.No. 18029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18029 of 2024

and

W.M.P.Nos.19793 & 19794 of 2024

G.Mani

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Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-600 009.

2. Marandahalli Special Grade Town Panchayat,
Rep. by its Executive Officer,
Marandahalli, Dharmapuri District.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the Tender Notice of the 2nd respondent dated 19.06.2024 in Na.Ka. No.990/2023/A2 only insofar as it relates to the petitioner's shop and quash the same.

For Petitioner	: Mr.K.Selvaraj
For R1	: Mr.N.Naveenkumar Government Advocate
For R2	: Mr.P.Vijaya Devi Government Advocate



W.P.No. 18029 of 2024

ORDER

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This Writ Petition has been filed challenging the tender notification dated 19.06.2023, insofar as it relates to the petitioner's shop.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The second respondent had called for tenders for grant of leasehold rights in the hotel premises at the bus stand of Marandahalli, Dharmapuri District. Since there is a toilet next to the hotel premises, nobody intends to take the shop to run the hotel. Therefore, the second respondent offered the shop for doing any business to the general public. Therefore, the petitioner approached the second respondent for lease and he was granted lease to run the electrical cum re-winding business. The second respondent fixed the monthly rent at Rs.840/- and allowed the petitioner to carry on the occupation of motor electrical works and re-winding of motor in the said premises under the name and style of Hari Priya Electrical & Re-winding Works. After completion of three years of the lease period, the rent was enhanced by 15%. Accordingly, the petitioner is paying the rent without committing any default.



W.P.No. 18029 of 2024

WEB COPY

4. While being so, the second respondent issued Tender cum Auction notice dated 09.02.2024 to conduct tender cum public auction for the shops as mentioned in the said notification. However, the said notification was cancelled and once again the second respondent issued the present impugned tender notification on 19.06.2024. The grievance of the petitioner is that the second respondent had issued tender cum auction notice picking selected shops and other shops are not included in the tender notification.

5. That apart, as per the provisions of Rule 15(2) of the Tamil Nadu Transparency in Tenders Rules, there should be a minimum period of 15 days to participate in the tender. The petitioner has been running the shop for past eight years and is ready to pay the rent enhanced by the second respondent.

6. The learned Government Advocate appearing for the second respondent submitted that as per G.O.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, the guidelines on leasing and renewing the shops on rent was amended. Accordingly, the



W.P.No. 18029 of 2024

shops shall be leased for three years, as one Block, at the first instance and the same shall be renewed for two more Block years i.e., upto nine years. On completion of nine years, the lease amount shall be revised and preference may be given to the existing leaseholders for further renewal. Insofar as the petitioner's shop is concerned, the lease period is already two times was extended and after completion of nine years, the rent has been enhanced. Therefore, the second respondent issued tender cum auction notification. If at all the petitioner wants to do his business in the very same premises, he can very well participate in the tender cum auction over the rent as fixed by the second respondent.

6. Considering the above, the second respondent is directed to fix the revised rent for the petitioner's shop as per the prevailing market value and extend the lease period for a further period of three years. If the petitioner accepts the rent fixed by the second respondent, the second respondent is directed to extend the lease for a further period of three years. After completion of three years, as per the Government order, the rent shall be enhanced for the petitioner's shop.



W.P.No. 18029 of 2024

7. With the above direction, this Writ Petition stands disposed

of. Consequently, connected miscellaneous petitions are closed.

13.09.2024

Internet : Yes/No

Index: Yes/No

Neutral Citation : Yes/No

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To

1. The Secretary,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai-600 009.

2. The Executive Officer,
Marandahalli Special Grade Town Panchayat,
Marandahalli,
Dharmapuri District.



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W.P.No. 18029 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.18029 of 2024

13.09.2024