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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.3364 of 2017
and
W.M.P.Nos.3355 & 3356 of 2017
and
W.M.P.No.7753 of 2023
and
W.M.P.No.39151 of 2024

G.Govindarajan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 600 009.
- 2.The Zonal Director of Municipal Administration,
Kumaran Commercial Complex,
Tiruppur.
- 3.The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Erode District – 638 459.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Re-Auction Notice dated 31.1.2017 on the file of the 3rd respondent herein in so far as it relates to Shop No.31, Situated at Jawahar Main Road, Punjai Puliampatti, Erode District and to quash the same in so far as it relates to Shop No.31, Situate at Jawahar Main Road, Punjai Puliampatti, Erode District, which is shown in Serial No.1 of the said Notice and consequently direct the 3rd respondent herein to repair the said shop within a stipulated period.

For Petitioner .. Mr.R.Arumugam

For R1 & R2 .. Mr.T.Chandrasekaran,
Special Government Pleader.

For R3 .. Mr.B.Anand, Standing Counsel

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to re-auction notice dated 31.01.2017 issued by the 3rd respondent, the Commissioner, Punjai Puliampatti Municipality, Erode District, for Shop No.31, Jawahar Main Road, Punjai Puliampatti, Erode District and to quash the same.



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2.It is the contention of the learned counsel for the petitioner that the 3rd respondent had invited tenders for various shops belonging to the 3rd respondent. One of them is shop No.31, Jawahar Main Road, Punjai Puliampatti, Erode District. The petitioner had taken it on lease after getting approval from the Municipal Council. But however, the shop was not suitable for doing business and was in a dilapidated condition. In the meanwhile, the re-auction notice was issued. Questioning that, the present writ petition has been filed.

3.It is contended that since the shop is in a dilapidated condition, neither the petitioner was able to use it nor were the respondents put it to profitable use.

4.In view of that particular fact, since the entire issue took place in the year 2017, this Writ Petition stands disposed of giving permission to the respondents to proceed further in re-auctioning of the shop in manner known to law. No costs.



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5.The petitioner also filed a petition in W.M.P.No.39151 of 2024 seeking refund of a sum of Rs.3,70,000/- which was the security deposit given by the petitioner. Any adjudication on the same would be beyond the scope of this writ petition. The petitioner may give an independent representation to the respondents, who may examine it in terms of the lease deed under which the petitioner had been granted lease of the said shop and pass a considered order. Therefore, W.M.P.No.39151 of 2024 is also disposed of.

6.Consequently, other connected Writ Miscellaneous Petitions are closed.

06.12.2024

Index:Yes/No
Internet:Yes/No
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To
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3. The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Erode District – 638 459.



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C.V.KARTHIKEYAN, J.

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W.P.No.3364 of 2017

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