



W.P(MD)No.4123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4123 of 2024

and

W.M.P.(MD)Nos.3968, 3970 & 3972 of 2024

K.Packiyam

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Commissioner,
Karur City Municipal Corporation,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Re-Auction / Tender Notice in proceeding Na.Ka.No. A6/1255/2020 dated 14.02.2024 issued by the 2nd respondent and quash the same with respect to Item No.4, Hospital Road, Shop No.2, Karur Municipal Corporation, Karur alone and consequently direct the 2nd respondent to allot Shop No. 2 in Hospital Road, Karur Municipal Corporation, Karur, to the petitioner, within time frame as stipulated by this Court.



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W.P.(MD)No.4123 of 2024

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1

: Mr.K.Balasubramani
Special Government Pleader for R2

ORDER

Heard both sides.

2. The petitioner is a widow. Her husband was an ex-service man. The petitioner therefore claim allotment of the shop under preferential category. The petitioner had earlier filed W.P.(MD)No.5457 of 2018 and an interim order was also granted in her favour on 15.03.2018. The said writ petition is said to be still pending.

3. The learned standing counsel for Karur City Municipal Corporation states that the shop that is the subject matter of W.P.(MD)No.5457 of 2018 has not been brought to auction. Vide notification dated 14.02.2024, the shops in other localities were sought to be brought to auction. Challenging the same, the present writ petition came to be filed.

4. When the matter was taken up for hearing, the learned standing counsel clarified that tender / auction did not take place as scheduled. For want of bidders, the process had been postponed. He submitted that the petitioner can very well take part in the auction / tender as and when it is held in respect



W.P(MD)No.4123 of 2024

of the petition mentioned shop. He also added that as per Rule 316 of Tamil Nadu Urban Local Bodies Rules, preference can be given only to those categories set out in Sub Rule 11(9) of Rule 316. It is true that the resolution was earlier passed by the municipality for granting preferential for ex-service man. But in view of the newly promulgated statutory rules, these resolutions will no longer hold the field. In any event, the learned standing counsel states that this issue can be canvassed in W.P.(MD)No.5457 of 2018 filed by the petitioner herein.

5. I endorse the stand taken by the learned standing counsel appearing for the Karur City Municipal Corporation. The petitioner has not shown as to how her right has been affected. It is for her to participate in the tender process along with others. I am therefore not inclined to interfere. I however make it clear that the outcome of this writ petition will not bar the petitioner from pursuing her remedy in W.P.(MD)No.5457 of 2018.

6. With this liberty to the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.02.2024

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.4123 of 2024

G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Collector,
Karur District,
Karur.
- 2.The Commissioner,
Karur City Municipal Corporation,
Karur.

W.P(MD)No.4123 of 2024

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