



W.P.(MD) No.5457 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.5457 of 2018

and

W.M.P(MD) Nos.5385 and 5386 of 2018

K.Packiam

... Petitioner

Vs.

The Commissioner,
Karur Municipality,
Karur.

... Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records issued by the respondent herein relating to the proceedings in Na.Ka.No.A6/5769/2017, dated 19.02.2018 and quash the same and consequently, direct the respondent herein to allot one shop to the petitioner in the municipal complex building on the basis of the resolution passed by the Council dated 31.08.2015.



W.P.(MD) No.5457 of 2018

For Petitioner : Mr.M.Bindran

For Respondent : Mr.K.Balasubramani

ORDER

The public auction notice issued by the respondent for allotment of the shop is challenged in this writ petition on the ground that this petitioner is a widow of an Ex-serviceman and she has to be given preference on priority category.

2.The learned counsel for the respondent submits that the allotment of shops would be made by way of public auction/tender. He also submits that there is no special provision enabling the respondent Corporation to give priority or concession to the petitioner under the category of Ex-Servicemen. Hence, the respondent corporation is not in a position to consider the claim made by the petitioner.

3.The corporation has brought the property in question for public auction to augment revenue for the corporation. In the absence of any provision enabling the respondent to provide any concession to the



W.P.(MD) No.5457 of 2018

WEB COPY

petitioner in the allotment of shop, this Writ Petition cannot be maintained. Accordingly, this Writ Petition is dismissed.

4.At this juncture, it is brought to the notice of this Court that in view of the interim order granted in this writ petition at the time of admission, the respondent Corporation was not able to conduct the public auction for the shops in question. Hence, this Court directs the respondent Corporation to conduct public auction as per the provisions of the Tamil Nadu Urban Local bodies Act 1998 within a period of three months from the date of receipt of a copy of this order. The petitioner is also entitled to participate in the public auction. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp



WEB COPY



W.P.(MD) No.5457 of 2018

B.PUGALENDHI,J

cp

W.P.(MD) No.5457 of 2018

Dated: 20.03.2024