



W.P(MD).No.23265 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.23265 of 2024
and
W.M.P.(MD)No.19704 of 2024**

M.Akbar Ali

... Petitioner

Vs.

1.The Commissioner,
Trichirappalli City Corporation,
Trichirappalli.

2.The Assistant Commissioner,
Ariyamangalam Ward Zone - 2,
Trichirappalli Corporation,
Trichirappalli.

3.The Executive Engineer,
Trichirappalli City Corporation,
Trichirappalli.

4.The Assistant Executive Engineer,
Ariyamangalam Zone,
Trichirappalli City Corporation,
Trichirappalli.

5.Ibrahim

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent herein dated 22.08.2024 in Na.Ka.No.A1(Vaa.Ku.A-2)/2228/2023 quash the same and consequently directing the respondents 1 to 4 to allot lease of shop No.74 in New Fish and Meat Market Complex, Keezharan Road, Trichirappalli in favour of the petitioner.

For Petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr.R.Baskaran, Senior Counsel,
For Mr.K.R.Kishore Ram,
For R.B.Law Associates for R1.
Mr.A.Kannan,
Addl. Government Pleader for R2 to R4.

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Certiorarified Mandamus to quash the impugned order passed by the 2nd respondent dated 22.08.2024 in Na.Ka.No.A1(Vaa.Ku.A-2)/2228/2023 and to allot Shop No.74 in New Fish and Meat Market Complex, Keezharan Road, Trichirappalli in favour of the petitioner.



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3.It is case of the writ petitioner is that the writ petitioner was in occupation of the cooperation shop for many years. The petitioner was evicted from the said shop for the purpose of demolition and reconstruction of the shops. The petitioner was given opportunity to take part in the public auction as per Rule 316(11) of Tamil Nadu Urban Local Bodies Rules, 2023. According to the petitioner, the bid had been raised enormously only for that shop and the fifth respondent has become a successful bidder. Since the writ petitioner had already filed writ petition challenging the earlier proceedings, there was a competition and artificial raise was made in the public auction. In this regard, he has given a representation to the authorities and the same has been rejected vide order dated 22.08.2024. The same has been challenged in this writ petition.

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

5.The petitioner earlier filed W.P.(MD)No.12615 of 2023. The said writ petition was disposed of by permitting the petitioner to participate in the public auction and he also given an opportunity to match the highest bid. The petitioner



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also participated in the public auction for Shop No.74. The fifth respondent was the successful bidder. According to the petitioner, in order to non-suit the petitioner, the bid amount was artificially raised. When the public auction is conducted as per rule and merely because the petitioner is not position to bid for high amount, it cannot be said that bid was artificially raised. As per the site cum ground floor plan submitted by the respondents, the Shop No.74 is located as a first shop in the ground floor and it is also abutting the main road. Such this being the case, the bid would be higher. Since the petitioner is not able to compete with the other bidder, as a matter of right, the petitioner cannot seek allotment such shop. This Court does not find any ground to interfere with the impugned order and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2024

NCC : Yes/No
Index : Yes/No
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N.SATHISH KUMAR, J.

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