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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P(MD)No.31571 of 2024
and
W.M.P(MD)No.26432 of 2024

Akbar ... Petitioner

Vs.

1.The Commissioner,
Trichirappalli City Corporation,
Trichirappalli.

2.The Assistant Commissioner,
Ariyamangalam Ward Zone – 2,
Trichirappalli City Corporation,
Trichirappalli.

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

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

5.Hameed ... Respondents

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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direction to the respondents 1 to 4 to declare the petitioner is a successful bidder bearing Shop No.34, New Market Complex Keezhara Road, Trichy and consequently allot the Shop No.34 situated at New Market Complex Keezhara Road, Trichy to the petitioner.

For Petitioner : Mr.R.Venkatesh

For Respondents : Mr.R.Baskaran
Additional Advocate General
for R.1 to R.4

ORDER

This Writ Petition is filed for issuance of a writ of mandamus seeking a direction to the respondents 1 to 4 to declare the petitioner is a successful bidder bearing Shop No.34, New Market Complex Keezhara Road, Trichy and consequently allot the Shop No.34 situated at New Market Complex Keezhara Road, Trichy to the petitioner.

2.Mr.R.Baskaran, learned Additional Advocate General takes notice for the respondents 1 to 4.

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3.With the consent of the learned counsel appearing for the petitioner and the learned Additional Advocate General, this Writ Petition is taken up for final disposal at the time of admission itself. Notice to the fifth respondent is dispensed with.

4.The brief facts of the case, which are necessary for disposal of this Writ Petition, are as follows:

(I) The petitioner's father was a Merchant running a mutton stall as lessee in the Gandhi Market at shop No.12D for the several decade, now the petitioner is running the same. The first respondent corporation demolished the old building and new market complex was constructed. The said new construction consists within 74 shops in the ground floor and 74 shops in the first floor. Even before demolition of the old building, respondents 1 to 4 had assured allotment of shops for the old lessees, who were in occupation of the shops in the old building at Gandhi market.

(ii) The petitioner had filed a writ petition in W.P(MD)No.12615 of 2023 before this Court and this Court was granted interim order and finally disposed of the same on 05.03.2023 permitting the petitioner to

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participate in the public auction. On 22.08.2024 the respondents 1 to 4 announced tender for 74 shops and the petitioner had participated in the tender, but the price was artificially raised and the shop was allotted to someone. Aggrieved over the same, the petitioner filed a writ petition in W.P.(MD)No.23265 of 2024 and the same was dismissed on 30.09.2024. The respondents announced new tender for remaining 34 shops on 14.10.2024 and the tender has been fixed on 25.10.2024. The petitioner quoted a sum of Rs.17,000/- for shop No.34, which is the highest bidding amount for shop No.34 and the fifth respondent has quoted Rs.13,000/- for shop No.34. But the shop No.34 was not allotted to the petitioner and the same was allotted to the fifth respondent, who is quoting lesser bidding amount. Hence, this writ petition.

5.The learned Additional Advocate General would submit that the writ petitioner had already filed two writ petitions and the present writ petition is a third round of litigation. Further, he submits that the issuance of tender will be placed in the committee meeting to be held on 30.12.2024. Therefore, the Commissioner has cancelled previous tender and going to decide the issuance of fresh tender.

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6.The learned counsel appearing for the petitioner would submit that while conducting tender process it should be videographed in order to ensure the fair tender process.

7. On perusal of the records reveals that the petitioner had filed a writ petition in W.P(MD)No.23265 of 2024 seeking to quash the impugned ordre dated 22.08.2024 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 which, this Court vide order dated 30.09.2024 has passed the following order:-

> *"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 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*

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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."

8. In view of the submissions made by the learned Additional Advocate General that the first respondent already cancelled the impugned tender process and they are going to decide the issuance of fresh tender. In view of the same, nothing survives in this writ petition.

9.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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M.JOTHIRAMAN, J.

MGA/am

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