



W.P.No.32863 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.32863 of 2025 &
WMP.No.36809 of 2025

1.M.K.Parthiban
2.T.Vairakannu

... Petitioners

Vs.

The Commissioner,
Vadalur Municipality,
Vadalur, Cuddalore District.

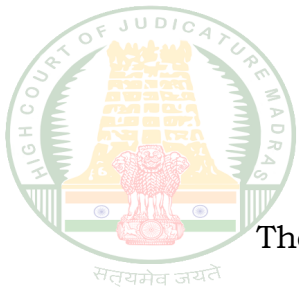
... Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus call for the records of the respondent relating to the public auction to the newly constructed shop to be held on 29.08.2025 published in Dinakaran Newspaper in Na.Ka.No.170/25/A1 and quash the same and also to issue fresh notification of Auction with the reasonable security deposit and to the newly constructed shops in Vadalur bus stand.

For Petitioners :Mrs.Devi G

For Respondent :Dr.T.Seenivasan,
Special Government Pleader

ORDER



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The petitioners seek for the following reliefs:

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“To call for the records of the respondent relating to the public auction to the newly constructed shop to be held on 29.08.2025 published in Dinakaran Newspaper in Na.Ka.No.170/25/A1 and quash the same and also to issue fresh notification of Auction with the reasonable security deposit and to the newly constructed shops in Vadalur bus stand.”

2. The first petitioner claims that he was a lessee of shop No.19, first floor in North Veli Road, Vadalur Bus Stand for the past 30 years, and the second petitioner is a lessee of shop Nos.1 and 5. He claims that on 20.12.2022, a meeting was conducted between the elected office bearers of the respondent municipality and the lessees. In the said meeting, it was decided that the lessees would be provided with new shops on reasonably new rent, after the existing building was pulled down and a new building was constructed. However, to their shock and surprise, on 15.02.2023, the respondent called upon the petitioners to vacate and hand over possession of their shops for demolition. The petitioners state that they have vacated and handed over possession also.

3. Pursuant to the possession having been taken by the municipality, a new building was constructed. The shops were sought to be brought for auction by way of a notification dated 29.08.2025. The petitioners are aggrieved by the fact that the minimum security deposit for the purpose of participating in the auction is fixed at Rs.10,00,000/-. According to the



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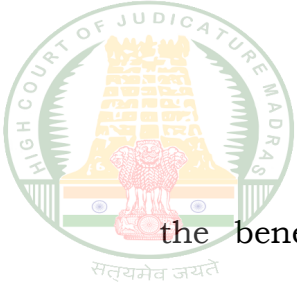
petitioner, this is arbitrary, excessive and hence, requires interference by way of this writ petition.

4. When the writ petition was taken up for hearing on 29.08.2025, this court adjourned the matter to today. In the meantime, the second petitioner has already complied with the condition of payment of Rs.10,00,000/-. The first petitioner alone is still persisting with the writ petition.

5. I heard Mrs.Devi G for the petitioners and Dr.T.Seenivasan, Special Government Pleader for the respondent.

6. Despite the vehement submissions made by Mrs.Devi about the arbitrariness of the advance sought for by the municipality, I am not persuaded by the same. The property admittedly belongs to the municipality. Municipality is bringing the property for auction so as to enhance its income. In its wisdom, it has decided that a sum of Rs.10,00,000/- would be the proper amount in order to attract persons, who are serious about participating in the auction. As to how an owner of the property wants to farm out a lease/license rights for its property cannot be a subject matter of a writ petition.

7. As on today, the petitioner has no legally enforceable right other than the preferential right of allotment granted by this Court. In order to get



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the benefit of the preferential right, the petitioner necessarily has to participate in the auction and prove his *bona fides* by offering the highest bid, or at least on par with the highest amount that is bid by a third party. Since the amount which the municipality has fixed as advance can neither be said to be arbitrary or unreasonable, as the property belongs to municipality, I am not inclined to entertain the writ petition.

8. The writ petition is dismissed. No costs. The first petitioner is at liberty to pay the amount and participate in the auction. Consequently, the connected miscellaneous petition is closed.

01.09.2025

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order

To

The Commissioner,
Vadalur Municipality,
Vadalur, Cuddalore District.



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V. LAKSHMINARAYANAN. J,

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