



W.P.(MD) No. 20787 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 20787 of 2025

and

W.M.P.(MD) Nos.16092, 16094 & 16095 of 2025

A.Kannan

... Petitioner

Vs.

1. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram - 623501.

2. The Executive Officer,
Ramanathapuram Municipality,
Ramanathapuram – 623501.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to quash the Public Auction and Tender Notice bearing Na.Ka.No. 934/2025/A1, dated 30.06.2025 issued by the first respondent, quash the same, and consequently, direct the respondents to conduct a fresh tender process and to provide a fair and equal opportunity to the petitioner to participate in such process in accordance with law.



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For petitioner : Mrs. P.Malini

For respondents : Mr.Ajmal Khan
Additional Advocate General -I
Asst. by Mr.K.Saravanan for R1
Mr.D.Ghandiraj
Special Government Pleader for R2

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, the learned Additional Advocate General -I for the first respondent and the learned Special Government Pleader for the second respondent.

2. The petitioner seems to be an erstwhile lessee of Shop No.22, situated at Ramanathapuram Old Bus Stand premises, which was shifted along with other shops for the proposed construction of new a shopping complex in the Ramanathapuram New Bus Stand.

3. The case of the petitioner is that the respondents had refused to receive the Demand Draft that was taken by the petitioner as a condition for making a bid



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pursuant to the Auction Notice, dated 30.06.2025.

4. The learned Additional Advocate General - I submits that the petitioner has not come forward to offer bid and to submit the Demand Draft in time and therefore, there is no scope for entertaining the request of the petitioner.

5. It is submitted that 14 shops, which were earlier ear-marked for erstwhile lessee are to be auctioned afresh in terms of the decision of the Hon'ble Division Bench of this Court in ***W.P.(MD) Nos.19348 and 19217 of 2025, dated 16.07.2025*** in the case of ***N.R.Balapandian vs. Secretary, Government of Tamil Nadu***, wherein the Court has ordered as under:

“6. As far as the Clause X of G.O.(2u) No.66 dated 06.08.2024 is concerned, it was set aside by this Court on the ground that it is violative of Rule 316 of the Tamil Nadu Urban Local Bodies Rules, 2023. Therefore, priority cannot be granted based on the said guidelines issued by the Government in G.O.[2pa].No.66 Municipal Administration and Water Supply Department dated 06.08.2024.

7. When Tamil Nadu Urban Local Bodies Rules, 2023, unambiguously stipulates the procedures for conduct of election and to provide priority to the erstwhile lessee, the same is to be followed by the authorities without any deviation and the said rules framed in



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exercise of the powers conferred under the Tamil Nadu Urban Local Bodies Act will prevail over the executive instructions issued by the Government through the Government Orders.

8. Thus, the provisions of the Tamil Nadu Urban Local Body Act and the Rules framed thereunder are to be scrupulously followed while undertaking the process of public auction by the Municipal Authorities.

9. In the present case, 100 shops are constructed and one is allotted for ATM. Out of 99 shops, impugned auction notification has been issued for 85 shops. Remaining 14 shops exclusively reserved for the erstwhile lessees which in the opinion of this Court is contrary to Rule 316 of the Tamil Nadu Urban Local Bodies Acts and Rules.

10. The method of granting priority has been well enumerated under the Rules and therefore, the authorities cannot reserve shops exclusively for the erstwhile lessees which is improper. However, those erstwhile lessees are entitled to avail the benefits of the priority strictly within the scope of Rule 316 of the Tamil Nadu Urban Local Bodies Rules, 2023. No priority to be granted which would result in causing discrimination amongst the eligible bidders who all are willing to participate.”

6. Considering the same, this Writ Petition is liable to be dismissed.

However, liberty is given to the petitioner to participate in the proposed auction to be held for the rest of the 14 shops in terms of the aforesaid order. The respondents may also change in the method of receiving the payment, as such NEFT/RTGS or other electronic payment method so that there is no scope for



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arbitrary rejection or no scope for dispute that the payments were not said to be received.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

31.07.2025

To
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Ramanathapuram - 623501.

2. The Executive Officer,
Ramanathapuram Municipality,
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C.SARAVANAN, J.

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