



W.P.(MD)No.30099 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.30099 of 2025

and

W.M.P(MD)Nos.23280 and 23283 of 2025

S.Ramesh

... Petitioner

Vs.

The Commissioner,
Karaikudi Municipal Corporation,
Karaikudi,
Sivagangai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other Writ or order or Direction by calling the records relating to the impugned proceedings of the Respondent made in Na.Ka.No. 5572/2025/A1, dated 10.10.2025, and quash the same and consequently direct the Respondent to refund the deposit of Amount of Rs. 10,00,000/- made by the Petitioner in respect of A- Block, Hotel - I, Old Bus Stand, Karaikudi Municipal Corporation, Sivagangai District.



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For Petitioner : Mr.R.Murali
For Respondent : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.E.P.Venkateshwar

ORDER

The present writ petition has been filed challenging the order of the respondent passed by the respondents herein on 10.10.2025, wherein EMD amount of Rs.10,00,000/- deposited by the writ petitioner has been forfeited.

2. The petitioner herein has participated in a Tender floated for the shops in a Bus stand belonging to the Karaikudi Municipality on 10.10.2025. He was the highest bidder and he was called upon to pay annual rental viz., Rs.28,92,000/-. However, he had failed to deposit the same. Therefore, the impugned order came to be passed to the effect on 10.10.2021, that he should pay the amount of Rs.28,92,000/- before the Karaikudi Municipal corporation and get a receipt. Challenging the said order, the present writ petition has been filed.



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3. According to the learned counsel appearing for the petitioner he has only quoted on a monthly basis of Rs.2,41,000/-. However, the corporation is demanding the rent to be deposited in advance to an extent of Rs.28,92,000/-. Hence, he is challenging the said order.

4. Mr.Baskaran, learned Additional Advocate General assisted by Mr.E.P.Venkateshwar, learned counsel appearing for the respondent municipality brought to the notice of the Court that as per Clause 3 of the Tender condition, any bidder is expected to quote only a annual rental basis. He also brought to the notice of the Court that as per Clause 21, the bidders are expected to deposit the entire annual rental in advance within a period of 10 days from the date of auction. He further brought to the notice of the Court that in case of non-payment of the entire annual rental within a period of 10 days, the bidder should forfeit the EMD amount.

5. When the writ petition came up for admission, this Court had passed order on 06.11.2025 permitting the respondent municipal corporation to re-auction this shop.



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6. According to the learned counsel appearing for the writ petitioner, so far he has not taken any possession of the shop to run the hotel business.

7. In such circumstances, the authorities cannot insist upon the entire annual rental to be deposited in advance. Therefore, he seeks permission of the Court to deposit the balance amount on or before 31.01.2026.

8. In view of the above said submission, this Court is inclined to pass the following order:-

- a) Notification issued by the municipality on 15.12.2025 for public auction of the shop shall stand cancelled;
- b) The petitioner shall deposit a sum of Rs.10,00,000/- on or before 31.12.2025. On such deposit, the possession of the shop shall be handed over to the writ petitioner subject to the other conditions on 01.01.2026;



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c) The petitioner shall deposit the balance amount on or before 31.01.2026. In case of any default the authorities are entitled to proceed in accordance with law.

9. With the said observations, the writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

17.12.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

The Commissioner,
Karaikudi Municipal Corporation,
Karaikudi,
Sivagangai District



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R.VIJAYAKUMAR, J.

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