



WEB COPY



W.A.No.1874 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.1874 of 2024
and CMP Nos.13525 and 13526 of 2024

Sivaraj
S/o.Late P.S.Chinnasamy,
Door No.7, Near Springfield Apartment,
Ram Nagar Extension, P.N.Pudur,
Coimbatore-641 041.

Appellant(s)

Vs

1. The District Collector
Coimbatore District, Coimbatore.
2. The Commissioner
Coimbatore Corporation, Coimbatore.
3. The Assistant Commissioner
Coimbatore Corporation, Coimbatore.

Respondent(s)

PRAYER: Appeal under Clause 15 of the Letters Patent to set aside the order in Writ Petition No.31020 of 2022, dated 12.12.2022, on the file of this Court and allow this writ appeal and thus render justice.



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For Appellant(s): Mr.D.Krishna Pradeep

For Respondent(s): Mr.E.Vijay Anand
Additional Government Pleader
For R1

Mr.N.Umapathi
For R2 And R3

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

The writ petitioner has filed this appeal seeking to set aside the order dated 12.12.2022 passed by the learned Single Judge in W.P.No.31020 of 2022.

2. The appellant herein filed two writ petitions. The prayers sought in the writ petitions are as under:

"W.P.No.31020 of 2022:

Writ Petition is filed under Article 226 of Constitution of India to issue a writ of certiorarified mandamus to call for the records of the third respondent in Na.Ka.No.328/2021/Al (M) dated 25.08.2022 quash the same and further direct the respondents to permit the petitioner to run the shops as per communication dated 28.07.2021.



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W.P.No.32936 of 2022:

Writ Petition is filed under Article 226 of Constitution of India to issue a writ of certiorarified mandamus to call for the records of the impugned undated tender notification in Na.Ka.No.2277/2020/MA1 by the second respondent for e-auction for the year 2022-2023 – 2024-2024 for the platform shop Nos.27, 34 and 78 in New Modern Flower Market quash the same and further direct the respondents to handover the said shops to the petitioner.”

3. The learned Single Judge, after considering the submissions made on either side, disposed of the writ petitions by a common order, which is impugned in this writ appeal, holding as under:

"8. In the view of the above, this Court is of the opinion that the respondent corporation shall call for a new tender as per' the Tamil Nadu Tender Transparency Act. While inviting fresh tender, due publication should be issued in widely circulated dailies both in English and vernacular language. The petitioner shall pay the arrears of rent, within two weeks to the respondent corporation. On such payment, the petitioner is entitled to participate in the tender. The tender process should be conducted in transparent manner and the entire process should



be video graphed by the respondent corporation so that no malpractice as alleged by the petitioner will take place.”

4. Learned counsel for the appellant submits that the entire dues have already been paid by the appellant and, therefore, the observation made in the impugned order that the appellant shall pay the arrears of rent within two weeks to the respondent corporation and on such payment, the appellant would be entitled to participate in the tender is erroneous.

5. Per contra, learned counsel for the respondent/Corporation submitted that the appellant has failed to comply with the directions issued by the learned Single Judge and, in fact, arrears of rent was paid in September, 2023, long after the period granted by the learned Single Judge.

6. We have heard learned counsel for the parties and perused the order passed by the learned Single Judge.



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7. At the outset, it needs to be noted that when the appeal was taken up for admission, a Division Bench of this Court, by order dated 12.7.2024, directed the auction proceedings to be kept in abeyance.

8. What needs to be emphasised at this stage is that the appellant has filed appeal only as against the order in so far as it relates to W.P.No.31020 of 2022, which pertains to cancellation of license and demand of arrears of rent. For the reasons best known to the appellant, he has not filed an appeal against the order pertaining to tender notification. When an appeal itself has not been filed challenging the auction proceedings, we do not find any reason to stall the auction proceedings at the instance of a defaulter.

9. The categoric asservation made in the counter affidavit of respondents 2 and 3 that the appellant had paid arrears of rent only in September, 2023 is not disputed by the appellant. The appellant acted in absolute breach of the order passed by the learned Single



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Judge, which granted him two weeks time to pay the arrears. We are, therefore, of the view that the appellant does not deserve any indulgence.

For the foregoing reasons, the writ appeal is dismissed. There shall be no order as to costs. Consequently, interim applications are closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)

13.03.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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