

M.Veeraiah vs The Commissioner on 21 February, 2023

Author: G.R.Swaminathan

Bench: G.R.Swaminathan

W.P(MD)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3440 of 2023

and

W.M.P.(MD)No.3197, 3198 & 3200 of 2023

M.Veeraiah

Vs.

... Pet

1.The Commissioner,
Pudukottai Municipality,
Pudukottai.

2.The Chairman,
Pudukottai Municipality,
Pudukottai.

... Resp

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the record of the impugned re-tender notice in Na.Ka.No.5959/2021/A4, dated 13.02.2023 issued by the first respondent and quash the same as illegal.

For Petitioner : Mr.AL.Kannan
For Respondents : Mr.S.Kameswaran
Standing Counsel

<https://www.mhc.tn.gov.in/judis>

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ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned auction notice dated 13.02.2023 whereby it is proposed to bring 8 shops for auction. The shops are to function as fish vending stalls.

3. The grievance of the petitioner is that he was allotted the shop in the same complex way back in November 2020. He had already remitted a sum of Rs.3,00,000/- as security deposit. However, the shop was not allotted to him. Likewise, the petitioner and few other allottees filed writ petitions before this Court. Vide order dated 15.11.2022 made in W.P.(MD)Nos.22034 to 22037 of 2022, a positive direction was given to the Municipality to open the fish market situated at T.V.S.Corner Fish Market on or before 30.11.2022.

4. The grievance of the petitioner is that this positive direction given by this Court has not been complied with. The petitioner would allege that the fish market was put up as per FSSAI norms. The area earmarked for dumping waste and disposal had now been converted as shops.

<https://www.mhc.tn.gov.in/judis>

5. I consciously refrain from going into the said allegations. It is for the competent authority concerned to look into the said issue. The petitioner is given liberty to lodge a complaint before the competent authority under the Food Safety and Standards Act, 2006 and the said authority is directed to look into the said complaint.

6. I find force in the contention of the petitioner's counsel that without complying with the order passed by this Court, it is not open to the municipality to hold the impugned auction. While the impugned auction may go on, it shall not be confirmed, unless the earlier order passed by this Court on 15.11.2022 is complied with.

7. At this stage, the learned standing counsel states that the petitioner's monthly license fee was fixed at Rs.6,150/- and that the petitioner has to pay the entire annual license fee upfront. The municipality is ready to issue license to the petitioner on his remitting a sum of Rs.73,800/- and hand over the possession. The petitioner's counsel states that the petitioner is ready to remit the amount of Rs.73,800/- at any time. If the petitioner remits the entire amount of Rs.73,800/- by today, without handing over possession to the petitioner, auction to be held tomorrow shall not be confirmed. <https://www.mhc.tn.gov.in/judis>

8. There is also force in the contention of the petitioner's counsel that the petitioner and others had offered bid for certain amount on the impression that the fish complex will have only 13 shops. By adding more number of shops, the situation that originally prevailed has been altered to their disadvantage. While I refrain from going into the said contention in this writ proceedings, I give

liberty to the petitioner to seek revision of the rental amount already fixed for them in independent proceedings.

9. With the aforesaid liberty to the petitioner and direction to the respondent municipality, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes/ No
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21

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G.R.SWAMINATHAN, J.

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21.02.2023

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