



W.P(MD)No.14183 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14183 of 2023

and

W.M.P(MD)Nos.12026 nd 12028 of 2023

C.Babu

... Petitioner

Vs.

1.The Executive Engineer, P.W.D (W.R.O)
Periyar Vaikai Basin Division,
Tallakulam, Madurai-2.

2.The Assistant Engineer, P.W.D(WRD),
Periyar Vaikai Basin Circle-1,
T.Andipatti,
Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned auction notification of the 2nd respondent bearing Ko.13/Vu.Po. 1/Tha.A/2023 dated 02.06.2023 Quash the same as illegal and consequently direct the respondents to permit the petitioner to exercise his leasehold rights over the above said properties catagorized as M.P.Item No. 54, at Kattakkulam Kanmoi in T.Andipatty, Vadipatti Block, Madurai District, by handling over the



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possession by virtue of successful bidder in the auction conducted by the respondents on 09.10.2019 by necessary extension of lease period for a period of one year from the date of his possession.

For Petitioner : M/s.S.Sivailayaraja
Advocate.

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a certiorarified mandamus seeking interference with the auction notification of the second respondent, the Assistant Engineer, P.W.D(WRD), Periyar Vaikai Basin Circle-1, T.Andipatti, Vadipatti Taluk, Madurai District, bearing no. Ko. 13/Vu.Po.1/Tha.A/2023 dated 02.06.2023, and to permit the petitioner to exercise lease hold right in the property categorized as M.P Item No.54 at Kattakulam Kanmoi in T.Aundipatti, Vadipatti Block, Madurai District.

2.The petitioner seeks permission to be handed over possession consequent to the petitioner being the successful bidder in the auction conducted by the respondent on 09.10.2019. The petitioner had participated in an auction which was conducted on 09.10.2019, for plucking coconuts at



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Kattankulam Kanmoi Poromboke in M.P. Item No.54, which contain 183 coconut trees. The period was from 01.05.2019 till 30.04.2020. The respondents had completed the entire process and had recognized the petitioner as a successful bidder. They also granted petitioner, permission to enter into the land and to pluck the coconuts. When the petitioner entered the land, the previous auction bidder prevented him.

3. But this is an issue which the petitioner should solve and the respondents cannot be called upon to enter into this particular controversy. But however, still the respondents have issued a complaint before the jurisdictional police seeking police protection to be granted to the petitioner herein. That is the extent to which the respondents can go to put all these orders into effect. To enjoy the property, the petitioner should also been vigilant enough.

4. In the affidavit filed in support of the writ petition, two contradictory statements have been made by the petitioner. He had first stated that there were persons who had obstructed the entry of the petitioner and therefore, a complaint was also lodged to the jurisdictional police. He then, stated that due to the pandemic period, he could not enjoy the lease granted to him. This is an issue, which the petitioner alone has to solve. Respondents could not be



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blamed for the same. The lease period has now ended. Now the respondents have brought to auction the right to pluck the coconuts from the coconut trees. The petitioner can always participate in the auction. But the petitioner must realise that merely bidding at higher rate is not sufficient. He must also have the ability to enjoy the right granted to him under the auction. If he cannot, then, the respondents cannot be blamed for that particular aspect.

5. This writ petition stands dismissed. The respondents are at liberty to bring the particular M.P.No.54, Kattankulam Kanmoi Poromboke where there are 183 coconuts trees, for auction once again in the manner known to law after following due procedure. If the petitioner submits his documents and if the documents are in order, then they may be accepted by the respondents. No costs. Consequently, connected miscellaneous petitions are closed.

16.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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C.V.KARTHIKEYAN, J.

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