

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 15126 of 2015 (M)

PETITIONER:

**ASLAM. A, AGED 44 YEARS,
S/O.ABOOBACKER, RESIDING AT
KHADEEJA MANZIL, NETTOOR P.O.,
MARADU, ERNAKULAM DISTRICT, PIN - 682040.**

**BY ADVS.SRI.K.A.RASHEED
SRI.P.M.HARIS (POOTHULIL)**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM, CHAIRMAN,
AGRICULTURAL URBAN WHOLESALE MARKET,
MARADU, NETTOOR P.O.,
ERNAKULAM DISTRICT, PIN - 682040.**
- 2. THE SECRETARY,
DEPUTY DIRECTOR OF AGRICULTURE,
AGRICULTURAL URBAN WHOLESALE MARKET,
MARADU, NETTOOR P.O.,
ERNAKULAM DISRICT, PIN - 682040.**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE NOTIFICATION NO.U.W.M-34/2014 ISSUED BY THE RESPONDENT.

EXHIBIT-P2: TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENTS DATED 09.04.2015.

EXHIBIT-P3: TRUE COPY OF THE REPRESENTATION DATED 05/05/2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT-P3(A): TRUE COPY OF THE RECEIPT DATED 05/05/2015 ISSUED BY THE OFFICE OF THE 1ST RESPONDENT.

EXHIBIT-P4: TRUE COPY OF THE NOTIFICATION PUBLISHED BY THE 2ND RESPONDENT IN THE MALAYALA MANORAMA DATED 12/05/2015.

EXHIBIT-P5: TRUE COPY OF THE LETTER DATED 11/05/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXHIBIT-P6: TRUE COPY OF THE POSTAL COVER.

RESPONDENTS' ANNEXUREEXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C).No.15126/2015

Dated this the 18th Day of September, 2015

J U D G M E N T

The petitioner has taken part in an e-tender for the allotment of room No.G/16 of the Maradu Agricultural Urban Wholesale Market. It appears that the petitioner is the highest bidder by offering Rs.5,313/-.

2. The District Collector, who is the Authority to confirm the tender, rejected the petitioner's tender. Exhibit P5 is the order of the District Collector. In Exhibit P5 it is stated that the near shop room No.G/18 has been let out at Rs.30,000/- per month and therefore, room No.G/16 cannot be let out on Rs.5313/-.

3. This Court is of the view that the District Collector has the right for taking such a decision. Merely because the petitioner is the highest tenderer, it is not necessary that it is to be confirmed. The Authority has to be satisfied with the rent fixed for the room. The District Collector having taken note of the rate of the nearest shop room it is seen now that shop room No.G/16 has been auctioned absymly low. In that view of the matter, there is no infirmity in the order impugned in the writ petition.

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4. The petitioner submits that the lowest best rent fixed was Rs.3500/- and he has quoted the highest amount and therefore, the auction has to be fixed in his name. It is not necessary that the same should be accepted in all circumstances. In this situation there is no infirmity with Exhibit P5. Accordingly the writ petition is dismissed.

5. The petitioner made a request to participate in the subsequent etender with the same earnest money deposit. If the petitioner wants to participate in the subsequent e-tender, the petitioner shall be permitted with the same the earnest money deposit.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

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