



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2015

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THE HONOURBLE MR.JUSTICE B.RAJENDRAN

W.P(MD).No.186 of 2015

and

M.P.(MD)Nos.1 to 3 of 2015

M.KATHERESAN

.. Petitioner

Vs.

1. THE ASSISTANT DIRECTOR,
TOWN PANCHAYAT, NAGERCOIL,
KANYAKUMARI DISTRICT.

2. THE EXEUCTIVE OFFICER,
THINGAL NAGAR TOWN PANCHAYAT (SELECTION
GRADE), NEIYUR POST,
KANYAKUMARI DISTRICT.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Tender Notification issued by the 2nd respondent in his Proceedings Na.Ka.No.338/2014/A2 dated 15.12.2014 and quash the same and consequently direct the 2nd respondent to receive 5% enhanced amount (from the Auction Amount) from the petitioner and allow the petitioner to collect the market fee under the 2nd respondent for the period from 01.09.2015 to 31.09.2018.

For Petitioner : Mr.K.Seemaraj

For Respondents : Mr.S.Satheesh Kumar

Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

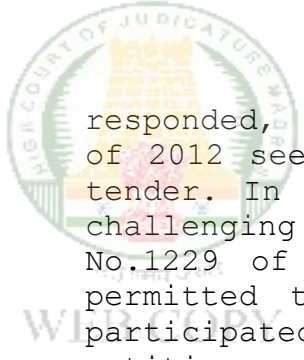
2. By consent of both parties, the writ petition is taken up for final hearing.

3. The writ petition has been filed for certiorarified Mandamus to quash the tender proceedings on the ground that the petitioner was a successful bidder in the year 2009.

4. Earlier since the action was deferred, even though the period in which he is enjoyed, he could not have the fruits of the auction for a period of five months. Earlier, the petitioner filed a writ petition in W.P.No.4187 of 2009 for confirmation of the order. Thereafter, the tender was called for on 29.05.2009 and that was also challenged by him in W.P.(MD)No.4594 of 2009 and by an order dated 21.08.2009, the tender was confirmed in his favour. But the confirmation was issued only on 31.08.2009, even then the amount was paid in full thereby the petitioner lost the time.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The petitioner further made a representation on 14.01.2012 seeking extension of five months time from 31.03.2012. Since it was not



responded, the petitioner filed another writ petition in W.P.(MD)No.793 of 2012 seeking direction to direct the second respondent to extend the tender. In the meanwhile, tender notification was called for. Therefore, challenging the tender notification another writ petition in W.P.(MD) No.1229 of 2012 was filed. In that writ petition this Hon'ble Court permitted the respondent to conduct the auction. The petitioner also participated and declared as a successful bidder, according to the petitioner. But earlier he was not given five months time. Therefore, he made further representation on 30.12.2014 seeking the extension of five months time and also to extend further the period for further three months by calling for the auction impugned. But the second respondent by the impugned notification dated 15.12.2014 has now invited tender to collect the market fee for the period from 01.04.2015 to 31.03.2018. Therefore aggrieved against the same, the present writ petition has been filed.

6. The learned Additional Government Pleader even at the time of admission brought to the notice of this Court that the petitioner was given only the confirmation order for the year 2009-2010. Thereafter, in view of the interim orders and in view of the various representations, he has been considered. Even as per the earlier order, it was given only for one year. It is always open for him to participate in the auction. There is no clause for him to seek for extension, that too, because five months delay was made in the year 2009. The auction is being called for tomorrow and auction notification was issued even as early as on 15.12.2014 and in the last minute, the petitioner has come to Court. Therefore, he would only contend that the writ petition is not maintainable.

7. The petitioner has come before this Court in the last minute. The petitioner who says that he is a confirmed licensee, had adopted the tactics of seeking for extension on the ground that he was not given five months time in the year 2009. If at all the petitioner had got any grievance then he should have obtained the further license in time. Till date he has not get any extension. But he has made representations and he has been filing writ petitions after writ petitions and successfully dragged on the matter and every year this tactics have been going on.

8. In view of the above, I do not find any merit in this writ petition and hence, the writ petition is dismissed. Consequently, connected Miscellaneous Petition are also dismissed. No costs.

Sd/-

Assistant Registrar(Per.Admn)

/ True Copy/

Sub Assistant Registrar

To

1. THE ASSISTANT DIRECTOR,
TOWN PANCHAYAT, NAGERCOIL, KANYAKUMARI DISTRICT.
2. THE EXECUTIVE OFFICER,
THINGAL NAGAR TOWN PANCHAYAT (SELECTION
GRADE), NEIYUR POST, KANYAKUMARI DISTRICT.
+lcc to Mr.K.Seemaraj, Advocate, Sr.No.1175