



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.19646 of 2015

V.Jeya Madhavan

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer,
Thiruvadanai Panchayat Union,
Ramanathapuram District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the Respondents to hold public auction for getting the right of cutting the Karuvelam Trees grown up in the Puthuvayal Ponnagiri Kanmani, Thalirmarungur Panchayat, Thiruvadanai Panchayat Union, Ramanathapuram District by following the procedures contemplated in the Tamil Nadu Transparency in Tenders Act and Rules in stricto sense as expeditiously as possible within the time stipulation as prescribed by this Hon'ble Court.

For petitioner	: Mr.R.Anand
For Respondents	: Mr.M.Murugan, Government Advocate

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus, directing the Respondents to hold public auction for getting the right of cutting the Karuvelam Trees grown up in the Puthuvayal Ponnagiri Kanmani, Thalirmarungur Panchayat, Thiruvadanai Panchayat Union, Ramanathapuram District by following the procedures contemplated in the Tamil Nadu Transparency in Tenders Act and Rules in stricto sense as expeditiously as possible within the time stipulation as prescribed by this Court.

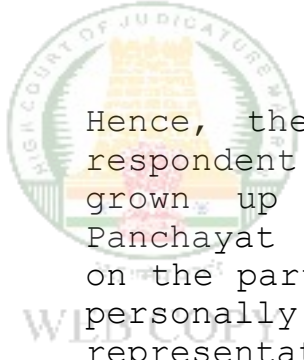
2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

<https://hcservices.courts.gov.in/hcservices>, the Writ Petition itself is taken up for final disposal.



4. In the affidavit filed in support of the Writ Petition, it has been stated that at Thiruvadanai Panchayat Union there are about 28 Kanmais, wherein huge volume of Karuvelam Trees have grown up naturally. During the pre-monsoon season, the first respondent through the second respondent used to take effective steps by cutting the Karuvelam trees for the purpose of clearing the Kanmais so that the rain water would not get stagnated. Every year, in order to cut the Karuvelam trees based on the direction given by the first respondent, the second respondent used to cause auction notification informing that the 28 Kanmais situated within the jurisdiction of Thiruvadanai Panchayat are being brought for public auction with regard to the cutting of Karuvelam trees. The highest bidder in the auction would be entitled to cut and remove the Karuvelam trees and the same would be entrusted to his custody for freely dealing under the same. In this current year also, on 10.08.2015 the second respondent has come forward with such notification. On seeing the same, for the purpose of taking part in the auction in connection with the Kanmai namely Puthuvayal Ponnagiri Kanmai, Thalirmarungur Panchayat, the petitioner has approached the second respondent and enquired about the eligibility for taking part, in the auction. For which, the petitioner was informed that an earnest money deposit for a sum of Rs.15,000/- has to be paid as a condition precedent. Hence, the petitioner has paid the earnest money deposit. But unfortunately, the second respondent, has not proceeded with the auction proceedings, on 10.08.2015. Subsequently, the petitioner came to understand that the second respondent is again going to proceed with auction on 20.10.2015. Immediately, the petitioner rushed to the second respondent office. On 20.10.2015, the petitioner has taken a demand draft for a sum of Rs.15,000/- once again and the same has been placed before the second respondent along with the requisition letter requesting him to allow the petitioner to take part in the auction proceedings. By this time, the second respondent has again dropped the auction proceedings solely for the reason that the petitioner has not fulfilled the expectation of the Chairman of Thiruvadanai Panchayat Union through appropriate means. It is pertinent to state that the aforesaid Kanmai is consisting of 28 acres of extent and there are other allied Kanmais situated just next to the same. In view of the above, the Chairman of Thiruvadanai Panchayat Union as well as the President of Thalirmarungur village have got their own idea to utilize this opportunity and thereby planned to deploy their own men for the purpose of cutting the Karuvelam trees.

5. It is further case of the petitioner is that as far as the matters relating to the public auction and tender is concerned the State Government has enacted an Act and Rule namely Tamil Nadu Transparency in Tenders Act and Rules whereupon the procedures which are to be necessarily followed before effecting auction has been contemplated in detail manner. Without following such procedure the second respondent by trying to proceed with auction.



Hence, the present writ petition has been filed to direct the respondent to held public auction for cutting the Karuvelam trees grown up in the Puthuvayal Ponnagiri Kanmai, Thalirmarungur Panchayat Union, Ramanathapuram District. Aggrieved over inaction on the part of the second respondent, on 20.10.2015 the petitioner personally appeared before the first respondent and submitted a representation with a request for the purpose of conduct public auction. Since the same was not disposed of till date, the petitioner has come forward with this Writ petition for the above stated relief.

6. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner, dated 20.10.2015 and pass appropriate orders on the same on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner.

7. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

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To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer,
Thiruvadanai Panchayat Union,
Ramanathapuram District.

+1CC to Mr.R.Anand Advocate Sr.No.64113

+1CC to Spl.Government Pleader Sr.No.63858

GJM/PM/MP/14.12.2015-3P-5C

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