

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.11049 OF 2016

AND WMP NOS.9616 AND 9617 OF 2016

M.Ganesan ... Petitioner

Vs.

1.The Secretary
Government of Tamil Nadu
Local Administration Department
Fort St. George, Chennai - 600 009.

2.The District Collector
Namakkal District, Namakkal.

3.The District Forest Officer
Namakkal District, Namakkal.

4.The Assistant Director of Town Panchayats
Salem Division, Salem.

5.The Executive Officer
Pillanalur Town Panchayat
Rasipuram (TK)
Namakkal District - 637 403.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the order passed in Na.Ka.No.258/2015 dated 11.03.2016 on the file of the 5th respondent herein (The Executive Officer, Pillanalur Town Panchayat, Rasipuram (TK), Namakkal District) and quash the same.

For Petitioner : Mr.R.Neethi Perumal
For Respondents: Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard Mr.R.Neethi Perumal, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader, who accepts notice on behalf of the respondents.

2.With the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner has filed this writ petition challenging the order dated 11.03.2016 passed by the fifth respondent keeping on hold the petitioner's right to execute the contract, which has been awarded in his favour for removal of Seemai Karuvellam Trees.

4.The only reason given in the impugned order is that the Model Code of Conduct has come into force and therefore, the work has been temporarily suspended. In the impugned order, it has been admitted that after following the due procedure, the petitioner has been declared as a successful bidder and tender was awarded in his favour. Further, the petitioner has also remitted the entire amount of Rs.1,09,000/-. Thus, the right in favour of the petitioner having accrued prior to the Model Code of Conduct coming into force, that cannot be a reason to sustain the implementation of the right granted to the petitioner. However, for any other reason, if the fifth respondent doubts the bonafides of the auction, orders could have been passed. But, that not being the reason stated in the impugned order, the reason assigned in the impugned order is not sustainable.

5.Accordingly, the writ petition is allowed and the impugned order is set aside and the petitioner shall be permitted to proceed further to execute the tender awarded in his favour on compliance of all the conditions. The period of tender was only thirty days and the period from the date on which, the impugned order was passed, till the date on which the certified copy of this order is obtained, shall be excluded, while computing thirty days period. No costs. Consequently, connected miscellaneous petitions are closed.

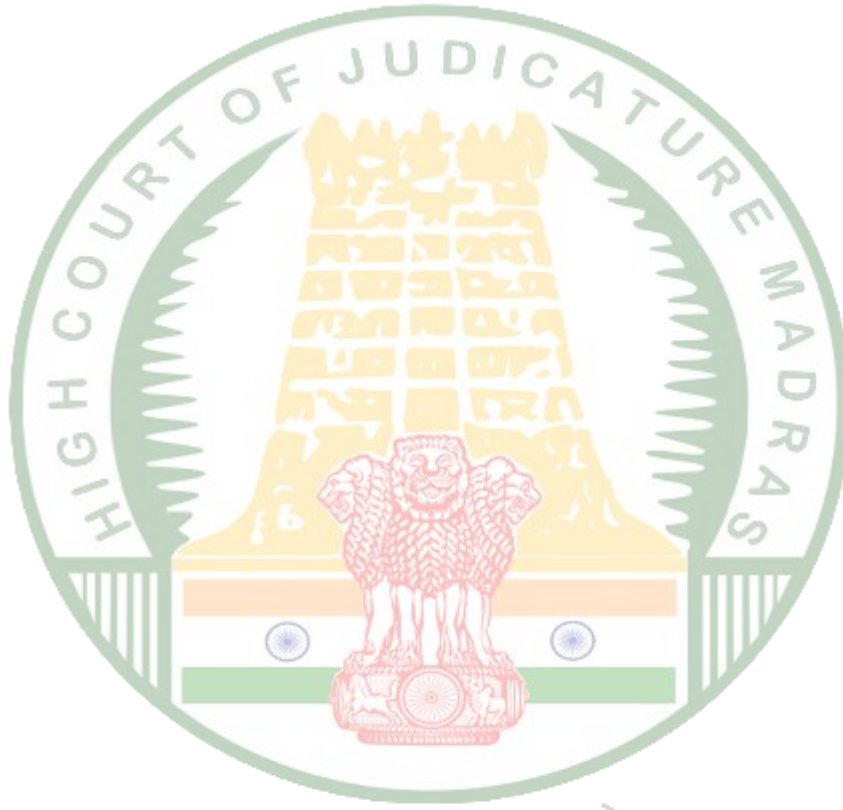
-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

TK



सत्यमेव जयते

WEB COPY

To

1.The Secretary
Government of Tamil Nadu
Local Administration Department
Fort St. George, Chennai - 600 009.

2.The District Collector
Namakkal District, Namakkal.

3.The District Forest Officer
Namakkal District, Namakkal.

4.The Assistant Director of Town Panchayats
Salem Division, Salem.

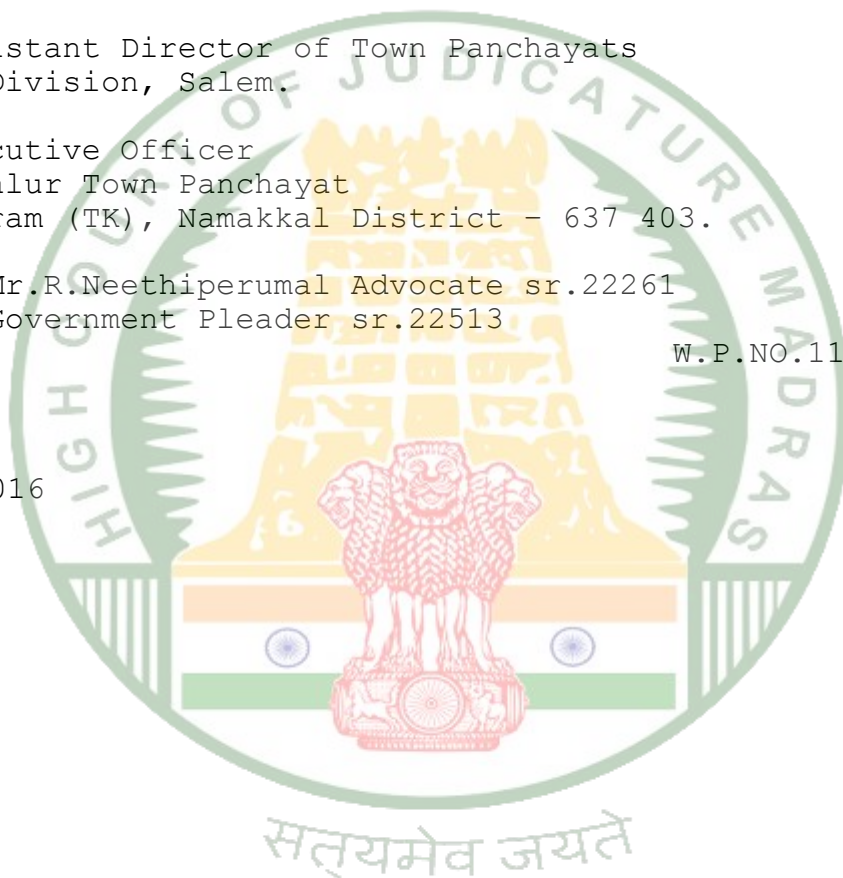
5.The Executive Officer
Pillanalur Town Panchayat
Rasipuram (TK), Namakkal District - 637 403.

+1 cc to Mr.R.Neethiperumal Advocate sr.22261

+1 cc to Government Pleader sr.22513

W.P.NO.11049 OF 2016

aa22/04/2016



WEB COPY