

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4588 of 2016

and

W.M.P.Nos.3948 & 3949 of 2016

V.Thirunavukarasu Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Executive Officer,
Valavanu Town Panjayat,
Villupuram District.

4.Mr.R.D.Murugavel,
Chairman, Valavanur Town Panjayat,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records of the 3rd respondent by his proceedings Na.Ka.No.A1/334/2014, dated 11.01.2016, and to quash the same.

For Petitioner : Mr.S.Mazhaimeni Pandian

For respondents : Mr.S.Gomathi Nayagam, AAG-III
assisted by Mr.S.V.Duraisolaimalai, AGP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Certiorari, to call for the records of the 3rd respondent by his proceedings Na.Ka.No.A1/334/2014, dated 11.01.2016, and to quash the same.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1. The petitioner belongs to the Schedule Caste community. The 3rd respondent has built up several shops in Canal Poramboke land, which is situated in Vallavanur. Already several shops have been given to the Caste Hindus and they are doing business in that place. Now, the 3rd respondent has called for tenders in respect of 29 shops. In the earlier tender, only one shop was allotted to Schedule Caste Community person. The 3rd respondent issued a tender notification vide his proceedings Na.Ka.No.A1/334/2014, dated 11.01.2016, under which it was scheduled to conduct tender on 04.02.2016. On seeing the notification, the petitioner approached the 3rd respondent on 29.1.2014 and asked about the tender procedures. The petitioner was informed that no public auction will be conducted for the shop Nos.1 to 25 and the petitioner can deposit the tender amount of Rs.1 lakh and participate in the tender for the shop Nos.26 to 29 only. It is the case of the petitioner that the respondents 3 & 4 have already selected and allotted the shop Nos.1 to 20 to the persons of their choice. Due to the illegal act of the respondents 3 & 4, the petitioner was not in a position to participate in the tender for the shop Nos.1 to 20. Hence, the petitioner has come forward with the present writ petition before this Court.

2-2. The 4th respondent has filed a counter contending that the tender notification was issued by the Valavanur Town Panchayat on 11.01.2016 for allotment of shop Nos.1 to 29 at Valavanur East Pondi Road on rental basis. The notification was published on 12.01.2016 in Daily Thanthi Newspaper. It is mandatory on the part of the bidders to submit the application along with Demand Draft on or before 3.2.2016 at 5.00 pm. As per the tender conditions, the sealed tender cover shall be submitted on or before 4.2.2016 at 11.00 am. The Demand Draft should be issued in the name of the Executive Officer, Valavanur Town Panchayat. The bidder is eligible and will be permitted only after the above conditions have been fulfilled by him. The petitioner did not submit any application or Demand Draft to the Town Panchayat and therefore, he was not eligible to participate in the auction. Further, the auction was conducted on 04.02.2016 at 11.30 am. The successful bidder names were displayed in the notice board. The Panchayat has passed a resolution on 05.02.2016 by confirming the auction dated 04.02.2016. The successful bidders were also permitted to pay the rental amount to the panchayat. Under such circumstances, as the tender process were over, now nothing survives in the present writ petition. Thus, they sought for dismissal of the writ petition.

3. Heard both sides and perused the materials available on record.

4.From a perusal of the materials available on record, I find that the tender process was over and the tenders were confirmed in favour of the successful bidders as early as on 04.02.2016 itself. Moreover, the Panchayat has also passed a resolution on 05.02.2016 confirming the auction dated 04.02.2016 and the successful bidders have also paid the rental amount to the panchayat. Now, nothing survives in the prayer sought for by the petitioner in the present writ petition. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

[ssv]

To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Executive Officer,
Valavanu Town Panjayat,
Villupuram District.

1 cc to Government Pleader, Sr. 18370

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SAI (CO)
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