

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P.No.14832 of 2017

and

W.M.P.Nos.16078, 17448 and 17449 of 2017

A.Vasanth

... Petitioner

Vs

1.The District Collector,
O/o. Collectorate,
Salem District.

2.The Assistant Director of
Town Panchayat,
Salem Division.

3.The Executive Officer,
Selection Grade Town Panchayat,
Omaller Taluk,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for records from the file of the third respondent, Proc. Na.Ka.No.65/2017/A2 dated 24.03.2017, to quash the same, and consequently, to declare that the petitioner is eligible candidate, as declared by third respondent, dated 22.03.2017.

For Petitioner : Mr.V.K.Sathiamurthy for
M/s.C.Girish Babu

For Respondents : Mr.S.Diwakar,
1 to 3 Special Government Pleader

O R D E R

Heard Mr.V.K.Sathiamurthy, the learned counsel for Mr.C.Girish Babu, the learned counsel for the petitioner, and Mr.S.Diwakar, learned Special Government Pleader, for respondents.

2. The petitioner has filed this Writ Petition, seeking to quash the proceedings of the third respondent, dated 24.03.2017, and to declare the petitioner as eligible candidate, as declared by the third respondent, dated 22.03.2017.

3. The petitioner is the successful bidder. His bid was not confirmed, presumably, on the ground that, he was not prompt in paying the bid amount. According to the petitioner, he was fully ready to pay the bid amount, but the same was refused to be accepted.

4. The learned counsel for the petitioner would submit that, though smaller amount was deposited, and the petitioner was ready with the cash for the remaining amount, and in fact, he also paid the remaining amount thereafter, by way of cheque, but, the same was returned, as evidenced from the documents filed in the typed-set of papers in support of this Writ Petition.

5. The learned Special Government Pleader for the respondents would submit that the averments made by the petitioner are not true. Now, re-auction has been fixed, which is scheduled to be held on 30.06.2017 (i.e., at the end of this month). However, inasmuch as, the petitioner has not paid the full bid amount, in time, he cannot be permitted to participate in the auction.

6. This Court is not willing to go into the realm of controversy. From the records placed before this Court, one thing is crystal clear. The petitioner was a successful bidder. While it is the case of the petitioner that he is ready and willing to pay the bid amount, according to the respondents, it was not factually correct. Even in the representation and the documents filed in support of this Writ Petition, one can see a willingness to tender the remaining bid amount, though may not be in time. In any case, he is willing to pay the remaining amount thereafter.

7. In the light of the above said facts, this Court is of the view that the petitioner cannot be non-suited from participation in the fresh auction. The petitioner has neither been blacklisted nor there was an existing confirmed contract.

The petitioner's offer has not been accepted, in the sense, it has not been converted into a contract inter se parties. In such view of the matter, suffice it would be to dispose of this Writ Petition by permitting the petitioner to participate in the ensuing auction, which is scheduled to be held on 30th June, 2017. Accordingly, the Writ Petition stands disposed of, by granting permission to the petitioner to participate in the auction on 30.06.2017. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sd/klt

To

- 1.The District Collector,
O/o. Collectorate,
Salem District.
- 2.The Assistant Director of Town Panchayat,
Salem Division.
- 3.The Executive Officer,
Selection Grade Town Panchayat,
Omaller Taluk,
Salem District.

+1cc to Mr.C.Girish Babu, Advocate, S.R.No.44935
+1cc to Mr.S.Diwakar, Advocate, S.R.No.44921

W.P.No.14832 of 2017

NRI (CO)
CA(28/06/2017)

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