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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.12185 and 12186 of 2016 and
W.M.P.(MD) Nos.9281 and 9283 of 2016

1.K.Chellapand ... Petitioner in W.P.(MD) No.12185/2016
2.S.Santhanam ... Petitioner in W.P.(MD) No.12186/2016

-vs-

1. The Executive Officer,
Batalagundu Selection Grade Panchayat,
Batalagundu, Dindigul District.

2. The Chairman,
Batalagundu Selection Grade Panchayat,
Batalagundu, Dindigul District. ... Respondents in both WP's

Prayer in W.P.(MD) No.12185/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned tender notification bearing No.Na.Ka.No.55/2015/A3 dated 05.07.2016 published in Dhinathanthi Tamil Daily dated 06.07.2016 issued by the respondents and quash the same as illegal and consequently direct the 1st Respondent to hand over the possession of the vacant place shop No.7 by issuing the confirmation of tender certificate in pursuance of the tender notification in Na.Ka.No.55/2015/A3 dated 06.01.2016.

Prayer in W.P.(MD) No.12186/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned tender notification bearing No.Na.Ka.No.55/2015/A3 dated 05.07.2016 published in Dhinathanthi Tamil Daily dated 06.07.2016 issued by the respondents and quash the same as illegal and consequently direct the 1st Respondent to hand over the possession of the vacant place shop No.6 by issuing the confirmation of tender certificate in pursuance of the tender notification in Na.Ka.No.55/2015/A3 dated 06.01.2016.

For Petitioners : Mr.K.Sivabalan

For Respondents : Mr.S.Kumar
Addl. Govt. Pleader

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C O M M O N O R D E R

These Writ Petitions have been filed, seeking to quash the impugned tender notification bearing No.Na.Ka.No.55/2015/A3 dated 05.07.2016 published in Daily Thanthi Tamil Daily dated 06.07.2016 issued by the respondents with direction to the 1st Respondent to hand over the possession of the vacant Shop Nos.7 & 6 respectively by issuing the confirmation of tender certificate.

2. The case of the petitioners is that an auction was conducted in respect of Shop Nos.6 & 7 and the petitioners were successful bidders in the said auction. It is the further case of the petitioners that though the petitioners have satisfied the entire conditions, the respondents failed to confirm the same, rather issued the impugned notifications. Hence, the petitioners are before this Court, seeking to quash the notification.

3. Learned Additional Government Pleader appearing for the respondents would submit that after completion of the auction, a rival party offered to pay Rs.13,300/- in respect of Shop No.6 and Rs.11,300/- for Shop No.7 and also deposited the required amount as stipulated in the tender notification, viz., Rs.1,52,651/- for Shop No.6 and Rs.1,14,866/- for Shop No.7. With a view to generate more revenue to the Panchayat, the said offer was accepted and it was proposed to allot those shops to the rival party.

4. Learned counsel for the petitioners, after elaborate argument, would submit that the petitioners are ready and willing to pay the said amount offered by the rival party, as they were declared as successful bidders.

5. Under such circumstances, the respective petitioners are directed to pay a sum of Rs.13,300/- in respect of Shop No.6 and Rs.11,300/- in respect of Shop No.7 along with necessary service tax. The amount deposited earlier by the petitioners shall be adjusted towards the amount to be deposited as caution deposit and the balance amount shall be paid by the petitioners within two weeks from the date of receipt of a copy of this order. It is needless to mention here that the period of lease shall commence from 01.08.2017 and the respondents have agreed to hand over the possession forthwith, on receipt of the agreed amount from the petitioners.

With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar(C.S.)

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To:

1. The District Collector,
   Tirunelveli District,
   Tirunelveli.

2. The Revenue Divisional Officer,
   Tenkasi,
   Tirunelveli District.

+1cc to M/S.K.SIVABALAN, Advocate SR.No.68079

ar/rm
MAS/KK/SAR2:02.08.2017:3P-4C

W.P(MD) Nos.12185 and 12186 of 2016
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