

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.07.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10323 of 2018
and
W.M.P.No.12257 of 2018

A.Vasanth ...Petitioner

Versus

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

2.The Assistant Director of Town Panchayath,
O/o.The District Collectorate,
Salem Zonal -5,
Salem Division.

3.The Executive Officer,
Omalar Town Panchayat,
Salem District.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Declaration, declaring the finial notification vide Na.Ka.No.65/2017/A2, dated 16.2.2018, issued by the 3rd respondent as null and avoid.

For Petitioner : Mr.C.Girishbabu

For Respondents : Mr.N.Inbanathan
Additional Government Pleader for R1 & R2
No appearance for R3

O R D E R

Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 and 2 and none represented for the third respondent.

2. The petitioner has come forward with this writ petition seeking to declare the notification dated 16.2.2018 issued by the third respondent as null and avoid.

3. Pursuant to the notification of the third respondent, the petitioner was declared as the highest bidder in the auction held on 22.3.2017. However, the confirmation was cancelled on 24.3.2017 for his failure to deposit the amount. Challenging the cancellation the petitioner filed W.P.No.14832

of 2017 and the same was dismissed. However, the petitioner was permitted to take part in the re-auction.

4.The grievance of the petitioner is that the third respondent did not bring the shop for re-auction on 30.6.2017 and he was not permitted to participate in the auction conducted on 8.3.2018.

5.The learned counsel for the petitioner further submitted that this Court in W.P.No.14832 of 2017 had permitted the petitioner to participate in the future auction, but, since the petitioner was confined in Central Prison, Salem, he sent a representation to the third respondent dated 5.3.2018 to permit the petitioner to be represented by an agent. Without considering the representation of the petitioner, an auction was conducted on 08.3.2018.

6.It is not in dispute that the petitioner was declared as a successful bidder, in the auction conducted earlier by the respondents. But the order was cancelled due to non-payment of auction amount in time. Though, in the earlier writ petition, he was permitted to participate in the subsequent auction, but, for some reasons he could not participate. In my considered opinion, an auction notification cannot be assailed on the ground that petitioner's proxy was not allowed to take part in the auction.

7.In that view, I find no merit in this writ petition. Accordingly, this writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

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

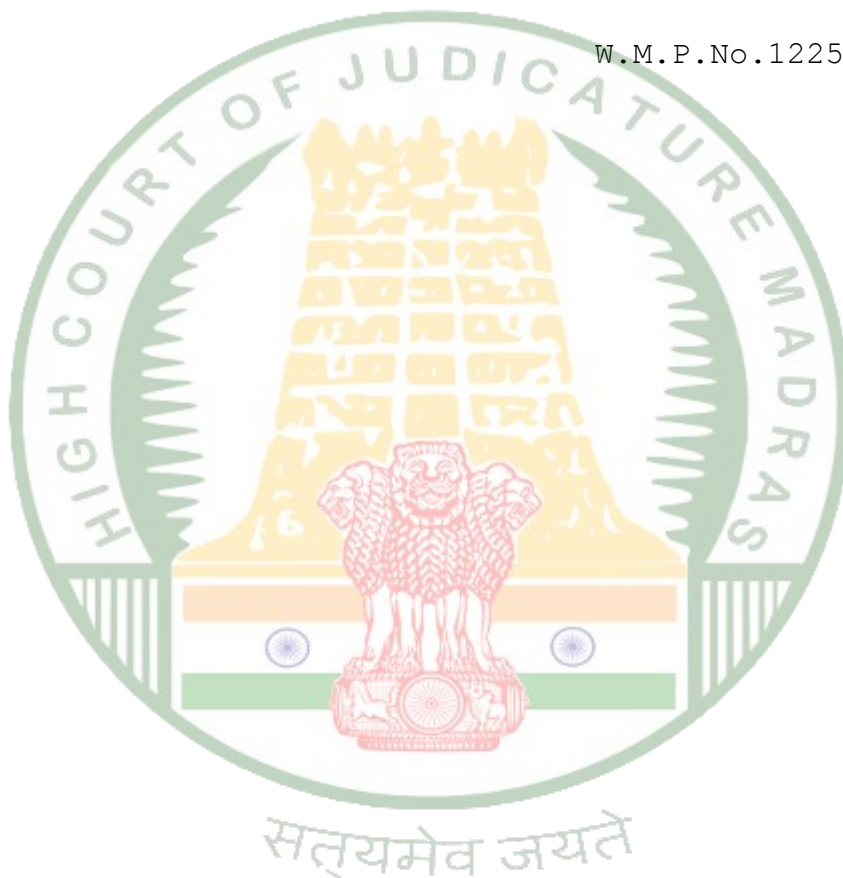
2.The Assistant Director of Town Panchayath,
O/o.The District Collectorate,
Salem Zonal -5,
Salem Division.

3.The Executive Officer,
Omalur Town Panchayat,
Salem District.

+1cc to Mr.C.Girishbabu, Advocate Sr.No.42882
+1cc to Government Pleader Sr.No.43215

KGK (CO)
sm:24.7.2018

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