

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	26/04/2018
Delivered on	27/04/2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.9571 of 2018 &
W.M.P.Nos.11477 & 12777 of 2018

M.Sakthivel

.. Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Block Development Office,
Thalaivasal Panchayat Union,
Attur Taluk, Salem District.

3.The Special Officer,
Block Development Office,
(Village Panchayat),
Thalaivasal Panchayat Union,
Attur Taluk, Salem District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second and third respondents to issue the confirmation order to the petitioner pursuant to the Public auction cum tender dated 27.03.2018 declared by the second and third respondents with respect to the daily Vegetable Market and Tuesday Weekly Market situated at Thalaivasal Panchayat, Attur Taluk, Salem District and consequently direct the second and third respondents to permit the petitioner to collect the toll from the market on receipt of the one third bid amount of Rs.90 lakhs from the petitioner.

For Petitioner : Shri.R.Krishnamurthi, Senior Counsel
For Mr.R.Sagadevan

For Respondents : Mr.N.Inbanathan
Additional Government Pleader for R1

Mrs.P.Rajalakshmi
Additional Government Pleader for R2 and R3

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the second and third respondents to issue confirmation order to the petitioner pursuant to the Public auction cum tender, dated 27.03.2018.

2. In Thalaivasal Panchayat a daily Vegetable Market and Tuesday Weekly Market are being conducted by the Panchayat. A tender was floated on 10.03.2018 to conduct auction on 26.03.2018 for collection of parking fee for two wheelers etc., for 2018-2019. However, the tender was postponed to 27.03.2018 for administrative reasons.

3. The case of the petitioner is that on 27.03.2018, he quoted Rs.90,00,000/- for item No.3 of the tender document and he was declared as the highest bidder. It is alleged that the bid of the petitioner was not confirmed and the amount could not be deposited due to interruption by

another bidder, viz., Devendiran. Despite his representation dated 27.03.2018 no confirmation order was issued, instead the second respondent issued a notification dated 31.03.2018 to conduct auction on 06.04.2018 in respect of the same item. Hence, the Writ Petition has been filed.

4. When the Writ Petition came up for admission on 19.04.2018, it was brought to the knowledge of this Court that as per the original schedule, auction was not conducted on 06.04.2018. Subsequently, another notification was issued on 13.04.2018 for the tender to be conducted on 20.04.2018. Considering the above facts, this Court on 19.04.2018 permitted the respondents to conduct auction on 20.04.2018 as per the schedule and stayed only the confirmation of the auction for Item No.3

5. When the case was taken up for hearing on 26.04.2018, the third respondent has filed a counter stating that on 20.04.2018 with Police protection, the auction was conducted and the petitioner has offered higher amount of Rs.95,00,000/- and the entire proceedings have been video graphed. It is further stated that if this Court permits, the third respondent is ready to announce the result of the auction and receive 1/3rd of the bid amount from the petitioner and rest of the amount within six months in two installments.

6. Shri.R.Krishnamurthi, learned Senior Counsel appearing for the petitioner submitted that since the petitioner had participated in the auction conducted on 20.04.2018 and he was declared as a successful bidder for the amount of Rs.95,00,000/-, the petitioner is not interested in pursuing the case and as per the averments made in paragraph No.9 of the counter, the respondents can be permitted to confirm the auction in favour of the petitioner.

7. Mrs.P.Rajalakshmi, learned Additional Government Pleader for the respondents 2 and 3 submitted that the petitioner is the highest bidder and in view of the interim order, the respondents have not confirmed the auction and if the Writ Petition is disposed of, they are ready to pass appropriate orders.

8. Mr.P.Wilson, learned Senior Counsel appearing for the impleading petitioner contended that one Mr.Devendiran, impleading petitioner was the lessee for the period 2017-2018 and his request for renewal of lease was rejected and his appeal preferred before the Division Bench in W.A.No.905 of 2018 is pending and interim stay of confirming Item No.4 is granted, but taking to consideration, the interim order granted in this Writ Petition with regard Item No.3, no order was passed by the Division Bench.

9. The only grievance expressed by the writ petitioner is that when he highest bidder in the auction held on 27.03.2018, which was more three times of the previous lease amount, the respondents should have confirmed the auction. Indisputably in the subsequent auction conducted on 20.04.2018, the petitioner as well as the impleading petitioner have participated and in that auction, the petitioner was declared as a successful bidder for the bid amount of Rs.95,00,000/-.

10. Taking into consideration the subsequent events and the submissions of the learned Senior Counsel for the petitioner and the stand taken by the third respondent in the counter, this Court is of the considered opinion that no further adjudication is required in this Writ Petition. Recording the above facts, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected W.M.P.No.11477 of 2018 is closed and W.M.P.No.12777 of 2018 is dismissed.

WEB COPY

27/04/2018

Speaking Order / Non Speaking Order

Index : Yes / No.
Internet : Yes / No.

r n s

K.KALYANASUNDARAM, J.

r n s

To

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Pre-Delivery Order made in
W.P.No.9571 of 2018 &
W.M.P.Nos.11477 & 12777 of 2018

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