

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06/07/2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. Nos.12474 of 2018 & W.M.P.Nos.14612 & 14613 of 2018 &

W.P.Nos.9928 to 9930 of 2018 &

W.M.P.Nos.11860 to 11862 of 2018

V.Ramesh ... Petitioner in W.P.No.12474 of 2018
J.Vinoth ... Petitioner in W.P.No.9928 of 2018
S.P.Syed Jaffer ... Petitioner in W.P.No.9929 of 2018
K.Gowtham ... Petitioner in W.P.No.9930 of 2018

Vs.

1.The District Collector,
Collector Office, Thiruvallur District,
Thiruvallur.

2.The Assistant Director of Town Panchayat,
Collector Office,
Thiruvallur District,
Thiruvallur.

3.The Executive Officer (Town Panchayat),
Pallipattu Town Panchayat,
Thiruvallur District,
Thiruvallur.

... Respondents in all Writ
Petitions

PRAYER in all Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.23/2018/A1, dated 06.04.2018 issued by the third respondent herein and quash the same as illegal and direct the respondents, specifically third respondent to allow the petitioner to continue to run the paid public toilet situated at Pallipattu bus stand as the successful bidder of auction in Na.Ka.No.23/2018/A1, dated 28.02.2018 took place on 06.03.2018.

For Petitioner in
W.P.No.12474 of 2018

: Mr.D.Padmanabhan

For Petitioners in
W.P.Nos.9928 to 9930 of 2018 : Mr.T.Murugamanickam
Senior Counsel
ForMr.T.M.Ramalingam

For Respondents in
W.P.No.12474 of 2018 : Mr.N.Inbanathan
Additional Government Pleader
for R1 & R2
Mr.D.Suriya Narayanan for R3

For Respondents in
W.P.No.9928 of 2018 : Mr.E.Neelakandan
Government Advocate

For Respondents in
W.P.No.9929 of 2018 : Mr.B.Anand
Government Advocate

For Respondents in
W.P.No.9930 of 2018 : Mr.N.Inbanathan
Additional Government Pleader

C O M M O N O R D E R

Heard both sides and perused the materials available on record.

2. Pursuant to the notification issued by the third respondent dated 28.02.2018, the petitioners were declared as successful bidders in the auction held on 06.03.2018. The confirmation made in favour of the petitioners have been cancelled by the impugned orders on the ground that they did not remit bid amount on the same day as per the auction condition.

3. The case of the petitioners is that the auction was confirmed only at 05.30 p.m. on 06.03.2018 and they were permitted to pay the license fee on the next day and after receiving the bid amount, confirmation cannot be cancelled without providing opportunity to the successful bidders.

4. It is contended by the learned counsel for the respondents that condition No.5 mandates payment of bid amount on the same day and condition No.8 states that a lease deed has to be executed in favour of the Local Bodies. However, in violation of the conditions and without permission of the third respondent, the petitioners started collecting license fee and hence, there is no error in the impugned orders.

5. In the instant case, it is not disputed that as per the auction condition, the entire bid amount have to be remitted on the date of auction. Admittedly, the said condition has not been complied with. It is settled law that for non-performance of the auction conditions, the Licensor has the right to cancel the confirmation.

6. In the light of the above undisputed facts, I find no error in the impugned orders. In that view, Writ Petitions fail and they are dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Collector Office, Thiruvallur District,
Thiruvallur.
- 2.The Assistant Director of Town Panchayat,
Collector Office,
Thiruvallur District,
Thiruvallur.
- 3.The Executive Officer (Town Panchayat),
Pallipattu Town Panchayat,
Thiruvallur District,
Thiruvallur.

+1cc to Mr.D.PADMANABHAN, Advocate, S.R.No. 44434
+3cc to Mr.T.M.RAMALINGAN, Advocate, S.R.No. 43902 TO 43904
+1cc to Mr.INBANATHAN Advocate, S.R.No.43973
+1cc to Mr.D.SURIYA NARAYANAN Advocate, S.R.No. 44150
+1cc to the Government Pleader, S.R.No. 4453, 44597 & 44554

W.P. Nos.12474 of 2018 & W.M.P.Nos.14612 & 14613 of 2018 &
W.P.Nos.9928 to 9930 of 2018 &
W.M.P.Nos.11860 to 11862 of 2018

TR(10/07/2018)