

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.09.2018

CORAM
The Hon'ble Mr. Justice V.BHARATHIDASAN

Writ Petition No.19247 of 2018

M.Sakthivel

... Petitioner

vs.

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

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to permit the petitioner to pay the installment basis of the balance auction amount of Rs.71,26,000/- with respect to Thalaivasal Daily Vegetable Market in the remaining auction period of 9 months based on the petitioner representation dated 21.07.2018

For Petitioner : Mr.R.Sagadevan

For Respondents : Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondent to permit the petitioner to pay the remaining amount in respect of auction for Thalaivasal Daily Vegetable Market, in 9 months.

2. According to the petitioner, he was the highest bidder in respect of Thalaivasal Daily Vegetable Market for a sum of Rs.90,00,000/- and he has also paid the 1/3rd of the bid amount i.e, Rs.35,00,000/-. After paying the 1/3rd amount, the auction was not confirmed. Hence, the petitioner has filed a writ petition in W.P.No.9571 of 2018 before this Court seeking a direction to the respondent therein to confirm the auction in favour of the petitioner. Subsequent to that, the confirmation order was issued to the petitioner.

3. Now, the petitioner has to pay the balance auction amount of Rs.71,26,000/- in two installments and the respondent is insisting the petitioner to pay a sum of Rs.35,20,000/- being

the second installment.

4.The grievance of the petitioner is that now, he is not in a position to pay the second installment amount, as requested by the respondent immediately. Hence, he made a representation to the respondent seeking time to pay the balance auction amount. Since, his representation has not so far considered by the respondent, the petitioner is before this Court with this writ petition.

5. Today, the learned counsel for the respondent submitted that the petitioner has to pay a sum of Rs.71,26,000/- as on today. Even as per the terms and conditions of the auction, the petitioner has to pay 30% of the bid amount at the initial stage and the balance amount in two equal instalments that too first installment should be paid immediately after auction and the remaining and second installment should be paid with in 30 days thereafter. Now, more than five months time was over from the date of auction. The petitioner fails to make the first installment, as per the terms and conditions of the auction.

6.The learned counsel appearing for the petitioner submitted that as per Rule 12, of the Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases and Sales in Panchayats) Rules, 2001 (hereinafter referred to as "the Rules"), the petitioner may be permitted to pay the amount not exceeding in two installments and last installment be paid before six months of expiry of lease. According to the respondent, the lease expires only on 20.10.2018. As per the Rules, the petitioner may be permitted to pay the remaining lease amount on or before 20.10.2018 i.e., before the expiry of six months period.

7.Considering the fact that the petitioner has to pay the huge lease amount and considering the fact that the petitioner has expressed his inability to mobilize the entire lease amount within the short span of time, the petitioner is permitted to pay the balance lease amount on or before 20.10.2018. If the petitioner fails to pay the remaining lease amount before the said date, it is always open for the respondent to take necessary action against the petitioner, as per law.

8.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jbm

To

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

+1cc to Mr.R.Sagadevan, Advocate,SR.No.63887

W.P.No.19247 of 2018

rrs 23/10/2018



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