



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.266 of 2018

Radhakrishnan

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Revenue,
Fort St. George,
Chennai.

2.The District Collector,
Tuticorin District,
Tuticorin.

3.The Revenue Divisional Officer,
Vilathikulam Post and Taluk,
Vilathikulam,
Tuticorin District.

4.The Block Development Officer,
Vilathikulam Post & Taluk,
Vilathikulam,
Tuticorin District.

5.The Tahsildar,
Vilathikulam Post & Taluk,
Vilathikulam,
Tuticorin District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to hold auction for the right to cut and sell Julia of Flora Trees (Karuvelam Trees) available in Survey No.147/2, the Government tanks of Iyan Chengalpadai Panchayat Union in Tuticorin District through Revenue Authorities as per the Board of Revenue Standing Orders in a transparent and fair manner in the midst of Iyan Chengalpadai Village people at Iyan Chengalpadai Panchayat Union based on the petitioner's representations dated 22.12.2017 and 26.12.2017.



For Petitioner
For Respondents

: Mrs.V.Jeyarani
: Mr.M.Murugan,
Government Advocate

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ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the main writ petition itself, is taken up for final disposal.

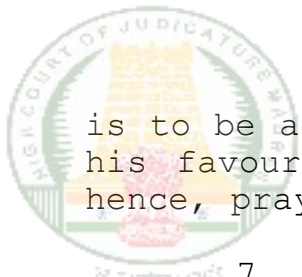
2. Mr.M.Murugan, learned Government Advocate accepts notice on behalf of R-1 to R-5.

3. The Writ Petition is styled as 'Public Interest Litigation' filed by a person claiming to be a farmer and native of Iyan Chenkalpadai village of Tuticorin District and according to him, in their village, there is a vast water body along with poramboke land (waste land) admeasuring to an extent of 96.06 hectares in Survey No.147/2 and the said land is having wide growth of 'Karuvelam Trees (Prosopis Juliflora)'. It is the specific case of the petitioner that the fourth respondent without adopting the procedure contemplated under the Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases and Sales in Panchayats) Rules, 2001, without inviting tender or public auction, has conducted the public auction without advertisement.

4. It is the further case of the petitioner that if it is auctioned, it would have got a sum of Rs.5 lakhs and the petitioner is also willing to offer the said amount and as a result of non-transparent action on the part of the fourth respondent, the local body is put to revenue loss and in this regard, the petitioner has submitted a representation dated 22.12.2017 to the respondents and in spite of the receipt and acknowledgment of the same, no action has been taken so far and hence, the petitioner came forward to file this Writ Petition.

5. The learned counsel appearing for the petitioner would submit that the petitioner has submitted an earlier representation dated 14.11.2017 and immediately, the fourth respondent has cancelled the auction and the petitioner under the genuine apprehension that the fourth respondent without adopting fair and transparent procedure, is going to conduct auction to cut and remove the 'Karuvelam Trees (Prosopis Juliflora)', he is constrained to submit a representation dated 22.12.2017, praying for appropriate direction to grant licence in their favour and further that, without putting them on notice the fourth respondent cannot grant licence for the cutting of trees and hence, prays for appropriate orders.

6. Per contra, the learned Government Advocate would submit that though the petitioner claims that fair and transparent manner



is to be adopted, ultimately, he wants to knock down the licence in his favour and as such, there is no public interest involved and hence, prays for dismissal of this Writ Petition.

7. This Court heard the rival submissions and perused the materials placed before it.

8. It is a settled position of law that in the case of auction of a public property, public auction is the best method to earn more revenue and though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in his representation, directs the fourth respondent to adopt a fair and transparent manner in accordance with law while auctioning the licence to cut and remove the 'Karuvelam Trees (Prosopis Juliflora)' in the said survey number.

9. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary, State of Tamil Nadu,
Department of Revenue, Fort St. George, Chennai.
 - 2.The District Collector, Tuticorin District,
Tuticorin.
 - 3.The Revenue Divisional Officer,
Vilathikulam Post and Taluk,
Vilathikulam, Tuticorin District.
 - 4.The Block Development Officer,
Vilathikulam Post & Taluk,
Vilathikulam, Tuticorin District.
 - 5.The Tahsildar, Vilathikulam Post & Taluk,
Vilathikulam, Tuticorin District.
- +One cc to M/s.V.Jeyarani, Advocate, SR.No.40767
+One cc to The Special Government Pleader, SR.No.40907

pm

RL/8C/3P/SKN/RSK/SAR1/24/1/2018

ORDER MADE IN
W.P(MD)No.266 of 2018