



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.2661 of 2018

and

W.M.P. (MD) .Nos.2844 and 2845 of 2018

B.Rajkumar

... Petitioner

-Vs-

- 1.The Managing Director,
Tamil Nadu Forest Plantation Corporation Limited,
Karur Road, Mallachipuram,
Kambarasampettai,
Tiruchirappalli-620 101.
- 2.The Joint Director,
Tamil Nadu Forest Plantation Corporation Limited,
Karur Road, Mallachipuram,
Kambarasampettai,
Tiruchirappalli-620 101.
- 3.The Regional Manager,
Tamil Nadu Forest Plantation Corporation Limited,
Indira Nagar, Machuvadi,
Pudukottai & District-622 004.
- 4.Periyasamy

... 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 1 to 3 to conduct Public Auction for collecting the Cashew nuts and Cashew fruits of Komapuram Forest Units for the year 2017-2018.

For Petitioner	: Mr.RMS.Sethuraman
For Respondents 1 to 3	: Mr.M.Rajarajan
	Government Advocate

ORDER

This writ petition has been filed for a direction to direct the second respondent to conduct public auction for collecting cashew fruits of Komapuram Forest Units of Gandarvakottai.

2.According to the petitioner, the respondents called for public auction for granting lease to collect the cashew fruits in the Komapuram Forest Units of Gandarvakottai Region. Earlier, in the above tender process the petitioner alone submitted his tender and hence, the tender was adjourned to 21.12.2017. Even on that day also no body has submitted any tender. Thereafter, on 18.01.2018,



the fourth respondent is said to have submitted a tender with the demand draft of Rs.1,00,000. Then a public auction was also conducted and the petitioner was the highest bidder for the aforesaid privilege for a sum of Rs.12,06,300/-. The petitioner also submitted a sum of Rs.1,00,00/- on 18.01.2018. Thereafter, the petitioner was directed to pay 80% of the total bid amount and he has also remitted a sum of Rs.6,67,300/- on 25.01.2018 but, no confirmation order was issued to the petitioner. In the above circumstances, the present writ petition has been filed.

3.Heard, the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents 1 to 3.

4.The learned Government Advocate appearing for the respondents 1 to 3 submitted that even though the petitioner alone submitted the tender, after the public auction, the fourth respondent has offered morethan 15% of the amount offered by the petitioner. In the above circumstances invoking Clause 6 of the tender condition, the respondents have cancelled the public auction and now they have decided to conduct re-auction.

5.In the above circumstances, since the earlier auction has been cancelled and the respondents are also decided to conduct re-auction, the prayer sought for by the petitioner in this Writ Petition cannot be granted.

6.Hence, this writ petition is dismissed. However, respondents 1 to 3 are directed to issue re-auction notification within a period of two weeks from the date of receipt of a copy of this order and conduct re-auction. However, there shall be no order as to costs. Consequently, W.M.P.(MD).Nos.2844 and 2845 of 2018 are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu Forest Plantation Corporation Limited,
Karur Road, Mallachipuram, Kambarasampettai,
Tiruchirappalli-620 101.
 - 2.The Joint Director,
Tamil Nadu Forest Plantation Corporation Limited,
Karur Road, Mallachipuram, Kambarasampettai,
Tiruchirappalli-620 101.
 - 3.The Regional Manager,
Tamil Nadu Forest Plantation Corporation Limited,
Indira Nagar, Machuvadi, Pudukottai & District-622 004
- +One cc to Mr.K.Baalasundharam, Advocate, SR.No.48137
+One cc to The Special Government Pleader, SR.no.48917
vsg/ta