

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.7359 OF 2019

AND

WMP.NO.8036 OF 2019

A.Saravanakumar

... Petitioner

Vs.

1. The District Collector,
Thirupur District,
Thirupur.

2. The Block Development Officer,
Panchayat Union,
Kangayam,
Thirupur District.

3. The Special Officer,
Nathakadayur Panchayat,
Kangayam Taluk,
Thirupur District.

4. V.Angappan

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF CERTIORARI, calling for the records of the third respondent relating to the Impugned Order dated 02.03.2019 in his proceedings letter No.01/2018-19 and quash the same.

For Petitioner : Mr.V.Ragunathan

For R1 : Mr.B.Anand
Government Advocate

For R2 & R3 : Mr.N.Inbanathan
Government Advocate

For R4 : No appearance

ORDER

The petitioner has filed the Writ Petition praying to issue a WRIT OF CERTIORARI, calling for the records of the third respondent relating to the Impugned Order dated 02.03.2019 in his proceedings letter No.01/2018-19 and quash the same.

2.The learned counsel for the petitioner submitted that the petitioner participated in the auction for a shop No.2 of the second respondent and he was a successful bidder of the auction and he was the highest bidder of Rs.4,100/- for the aforesaid shop and the second respondent panchayat confirmed the said bid amount to the petitioner. In the meanwhile, the respondent panchayat had conducted a fresh auction, without any notice to the petitioner and declared that the fourth respondent was the highest bidder for a sum of Rs.5,900/- per month. Challenging the aforesaid fresh auction conducted by the panchayat, the present writ petition is filed before this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not received any notice and also not participated in the auction, if an opportunity is granted to the petitioner, the petitioner also participate in the said auction along with the other bidders. Further submitted that the petitioner was a successful bidder and his auction was confirmed by the respondent panchayat, without providing any notice to the petitioner, the respondent panchayat conducted fresh auction, which is illegal and injustice. Now the petitioner is willing to deposit an additional 10% of the highest bid amount to the respondent panchayat to conduct fresh auction.

4.The learned Standing Counsel for the respondent panchayat would submit that the petitioner's highest offer of Rs.4,100/- for the aforesaid shop was confirmed by the respondent panchayat and after declared as highest bidder the petitioner also deposit three months rent to the panchayat. But as per the condition, any one who is intending to quote higher offer than the one quoted by the petitioner, within seven days therefrom, such higher offer will be accepted. The fourth respondent herein has offered to pay a sum of Rs.5,900/- per month which was accepted as the highest bid and he has also deposited a sum of Rs.18,720/- representing three months rent. The respondent panchayat has denied the allegation of the petitioner, but the petitioner also participated in the said auction. Admittedly there is some quarrel with the auction Officer on that day. The fourth respondent was a successful bidder in the auction

conducted by the panchayat. If, the petitioner has come forward to deposit 10% of the additional amount of the highest bid of Rs.5,900/- to the respondent panchayat and the respondent panchayat will conduct the re-auction for the aforesaid shop.

5.The learned counsel for the petitioner would fairly submit that the petitioner is willing and ready to deposit additional 10% of the highest bid amount offered by the fourth respondent and also submitted that the petitioner's deposit has already been lying with the second respondent panchayat. The second respondent panchayat also agreed for, in the event of the petitioner's complied, with the condition of additional deposit of 10% of the highest bid amount, being deposited as a dividend, the second respondent will conduct the re-auction, after giving notice, as per the procedure contemplated under Act and Rules.

6.Notice has been served to the fourth respondent, but none appeared for the fourth respondent.

7.As per the auction notification condition, the second respondent is an authority to conduct the auction or re-auction to any one, who is intending to deposit an additional deposit of 10% of the highest bid amount. Therefore, this Court is inclined to direct the petitioner to hand over the shop to the second respondent within a period of three days from the date of receipt of a copy of this order and also directed the petitioner to submit an appropriate application to satisfy the condition for payment of additional 10% of deposit amount for the highest amount offered by the fourth respondent, within a period of one week time. On satisfaction of the said condition of payment of the additional deposit amount, the second respondent panchayat is directed to conduct the re-auction for the aforesaid shop as per the Act and Rules. In default, the second respondent panchayat shall proceed in accordance with law by granting lease in favour of the fourth respondent. The entire auction process to be conducted by the second respondent shall be videographed.

8.With the above direction this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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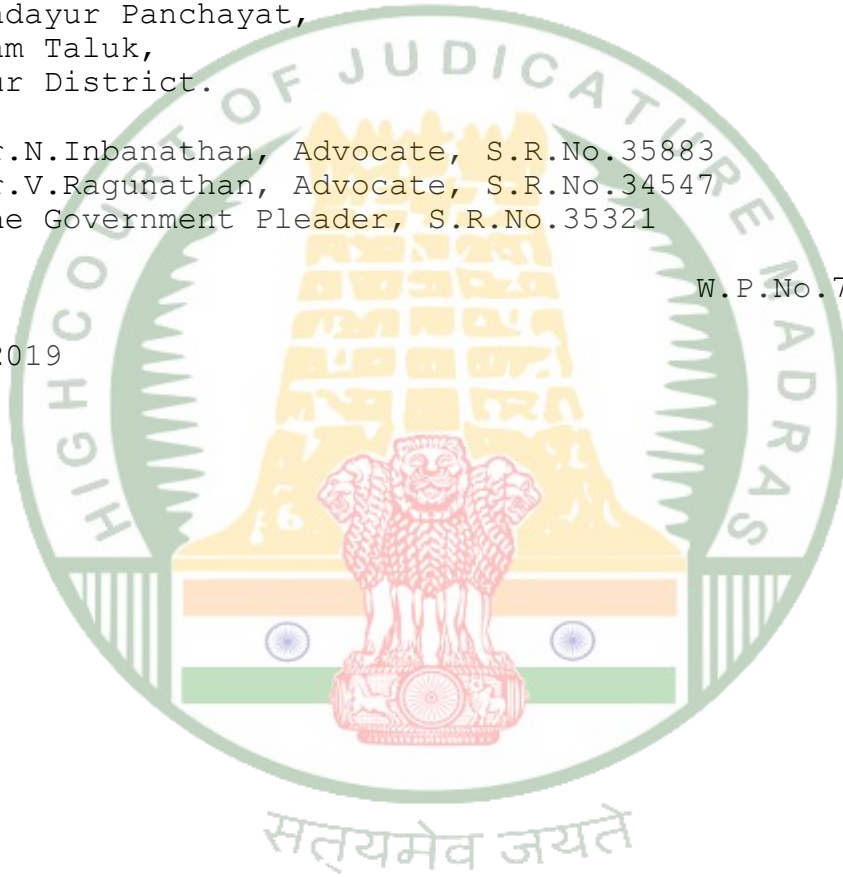
To

1. The District Collector,
Thirupur District,
Thirupur.
2. The Block Development Officer,
Panchayat Union,
Kangayam,
Thirupur District.
3. The Special Officer,
Nathakadayur Panchayat,
Kangayam Taluk,
Thirupur District.

+1cc to Mr.N.Inbanathan, Advocate, S.R.No.35883
+1cc to Mr.V.Ragunathan, Advocate, S.R.No.34547
+1cc to the Government Pleader, S.R.No.35321

W.P.No.7359 of 2019

CS/14/06/2019



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