

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.22539 &23372 of 2019
and W.M.P.Nos.21968, 21965 & 23119 of 2019

B.Gopi .. Petitioner in both Wps

/versus/

1.Assistant Director of Town Panchayat cum
Special Officer for Attayampatti Selection Grade
Town Panchayat,
O/o, District Collectorate,
Salem.

2.Executive Officer,
Attayampatti Selection Grade,
Town Panchayat,
Attayampatti,
Salem District.

3.Mr. R Sabarinathan .. Respondents in both WPs

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records pertaining to the impugned Re-Tender/Auction/Notification in Na.Ka.No.54/2019/A2 dated 26.07.2019 issued by the respondents 1 and 2 in respect of Cycle Stand mentioned in the said notification and quash the same; consequentially direct the respondents 1 and 2 to forthwith issue necessary orders confirming the tender in respect of the said Cycle Stand to and in favour of the petitioner, as per the Tender held on 24.07.2019, without awarding the same to any other persons.

For petitioner in both Wps : Mr.R.Neelakandan

For Respondents in both WPs: Mr.N.Inbanathan
Addl.Govt.Pleader for R1
Mrs. M.Lalitha, GA for R2

COMMON ORDER

After hearing the learned counsels, this Court on 09.08.2019 has passed the following order:

"2. It is contended by the learned counsel for the petitioner that it is the 5th auction, which is not permissible under the law.

3. Whereas, the respondent counsel says that first 3 auctions, there was no bidder and therefore, the auction was postponed in the subsequent auction. One Rajmohan was the successful bidder, but he did not pay the auction amount. One Sabarinathan, who has offered 10% more, which is led to re-auction date is fixed as 22.08.2019.

4. In the said circumstances, the matter is adjourned to 26.08.2019. The confirmation of the auction alone is stayed.

5. The petitioner who has already paid Rs.6,96,000/- shall also participate in the auction."

2. It is now reported before this court that pursuant to the above said order, on 22.08.2019, auction was conducted. In which, the petitioner herein has bid for Rs.1,75,000/- per month, which was the highest bid. Therefore, after adjusting of Rs.6,46,000/- already deposited, the balance of Rs.7,75,000/- has been deposited by the petitioner herein on 22.08.2019 and the tender has been offered in favour of the petitioner. The respondent herein is directed to confirm the tender in favour of the petitioner.

3. In view of the above fact, these Writ Petitions are dismissed as infructuous. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(Insp Cell)

//True Copy//

Sub Assistant Registrar

rpl

To

1.Assistant Director of Town Panchayat cum
Special Officer for Attayampatti Selection Grade
Town Panchayat,
O/o, District Collectorate,
Salem.

2.Executive Officer,
Attayampatti Selection Grade,
Town Panchayat,
Attayampatti,
Salem District.

+1cc M/s.R.Neelakandan, Advocate SR.73001
+1cc Mr.K.Ravikumar, Advocate, SR.73290
+1cc to the Government Pleader SR.73410

W.P.No.22539 &23372 of 2019
and W.M.P.Nos.21968, 21965 & 23119 of 2019

RR(CO)
CB(04/10/2019)