



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP (MD) No.13299 of 2018

and

WMP (MD) No.12104 of 2018

K.S.Raja

... Petitioner

Vs.

1.The District Collector, Thanjavur District.

2.The Special Tahsildar,
Office of the Chathiram Administration,
Gandhiji Road, Thanjavur.

3.Meiyathan

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to conduct the auction for grant of license to collect Mahimai in Aranthangi Shandy in accordance with law.

For petitioner : Mr.N.Balakrishnan

For Respondents : Mrs.S.Srimathy,
Special Government Pleader
for R1 and R2
Mr.K.Balasundharam for R3

ORDER

Heard the learned counsel on either side.

2.The petitioner wants this Court to direct the official respondents herein to conduct a public auction for grant of license to collect Mahimai in Aranthangi Shandy for the year 2018-19. When the matter was entertained, this Court had granted interim order of status quo on 21.06.2018. Alleging that the status quo order has been breached, Cont P (MD) No.1125 of 2018 came to be filed.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 stated that auction was conducted on 16.06.2016 and that the third respondent in this writ petition was the highest bidder. As per G.O Ms.No.181, Municipal Administration and Water Supply Department dated 19.09.2008 the license period can be for a maximum period of three years. Of course, the licensee will have to seek renewal for the second and third years on enhanced payment.



4. Even though the records produced by the learned Special Government Pleader would reveal that the third respondent was the sole participant, the fact remains that an auction was conducted on 16.06.2016. By virtue of having been the successful bidder, he was entitled to license not only for the first year and also the subsequent two renewal years. Therefore, I am of the view that the prayer sought for in this writ petition for holding an auction for the year 2018-19 cannot be granted because it falls within the renewal period. However, certain facts will have to be noted. The third respondent appears to be a powerful individual.

5. The learned counsel for the petitioner states that he has been the licensee for the last several years. Therefore, this Court directs the respondents 1 and 2 to hold public auction on 15.06.2019. Necessary paper publication shall be made well in advance. The petitioner herein is ready to bid for not less than a sum of Rs.40,00,000/-. Therefore, Rs.40,00,000/- will be the upset price. The petitioner shall also be given due information. The entire proceedings will be duly videographed.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector, Thanjavur District.

2. The Special Tahsildar,
Office of the Chathiram Administration,
Gandhiji Road, Thanjavur.

+1cc to Mr.K.BAALASUNDHARAM, Advocate, SR.No. 57055

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