



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) Nos.14083 and 25476 of 2018

and

W.M.P (MD) .Nos.12772, 23064 and 23065 of 2018

and W.M.P (MD) .No.135 of 2019

W.P. (MD) No.14083 of 2018

N.Selvaraj

... Petitioner

Vs

1.The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

4.K.Ganesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to conduct re-auction for cutting of the Seemai Karuvelam Trees in Survey No.12, Keelaparithiyur Kalaangarai and in Survey No.13, Keelaparithiyur Kanmai within Paramakudi Taluk in Ramanathapuram District within the time stipulated by this Court.

W.P. (MD) No.25476 of 2018

N.Selvaraj

... Petitioner

Vs

1.The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.

<https://hservices.ecourts.gov.in/hservices/>
2.The Sub Collector/
The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,



Paramakudi Taluk,
Ramanathapuram District.

3. The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

4. K. Ganesan

5. P. Vishnu Chandran I.A.S
The Sub Collector/
The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

6. The Sub Treasury Officer,
Paramakudi.

... Respondents

(R6 is *suo-motu* impleaded vide Court order dated 08.03.2019)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus, to call for the records pertaining to the impugned order in Moo.Ka.Pi.11/2855/2017 dated 20.11.2018 on the file of the second respondent and quash the same as illegal and consequently to conduct re-auction for cutting of the Seemai Karuvelam Trees in Survey No.12 Keelaparthiyur Kalaangarai Ramanathapuram District within the time stipulated by this Court.

In both petitions

For Petitioner : Mr.S.Louis

For R1 to R3 : Mr.M.Rajaraman

Government Advocate

For R4 : Mr.Mahendran

For M/s. M.S.Jeyakarthick

(For R6 : Mr.R.Sethuraman in **W.P. (MD) No.25476 of 2018**)

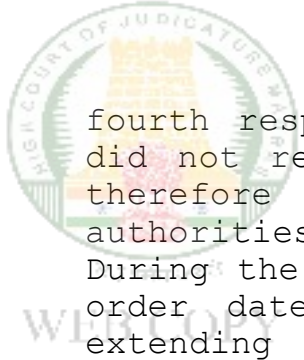
COMMON ORDER

Heard the learned counsel on either side.

2. These two writ petitions pertain to auctioning the right to remove the Karuvelam trees in Survey Nos.12 and 13 in Keelaparthiyur Village. The auction was conducted on 06.02.2017. It is not in dispute that the contest was between the writ petitioner and the fourth respondent. It is also not in dispute that the fourth respondent offered a higher bid in respect of these two items. The fourth respondent's bid for Survey No.12 is for a sum of Rs.2,00,000/-. He had offered a sum of Rs.4,26,000/- for Survey No.13 (Serial No.70).

<https://hcservices.ecourts.gov.in/hcservices/>

3. The specific allegation of the writ petitioner is that the



fourth respondent namely K.Ganesan, eventhough a successful bidder did not remit the bid amount for both these Survey Numbers. He therefore filed W.P(MD).No.14083 of 2018 for directing the authorities to conduct re-auction in respect of these two items. During the pendency of the writ petition, it was informed that an order dated 20.11.2018 was passed in favour of Thiru.K.Ganesan extending the time for cutting in respect of Survey No.12 from 15.12.2018 till 15.01.2019. The extension order dated 20.11.2018 is the subject matter of challenge in W.P(MD).No.25476 of 2018.

4. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of these writ petitions. The allegation that the highest bidder was not in a position to deposit the entire amount in respect of the Serial No.70 is not in dispute. Therefore, the authorities must necessarily conduct re-auction in respect of Serial No.70 (Survey No.13).

5. The issue now falls down only to Survey No.12. The respondent filed a typed set of papers indicating that the payment was actually made by K.Ganesan on 06.02.2017 itself. A challan was also enclosed in the typed set of papers dated 27.12.2018. When the matter was taken up before me on the last occasion, the learned counsel for the petitioner specifically made an allegation that the treasury challan dated 06.02.2017 is a forged one.

6. The learned counsel made further claim before me that his client, namely, N.Selvaraj had already verified with the Bank in question and that no payment as claimed was made. Since a serious allegation was made that the document filed in the typed set of papers is a forged one, this Court took cognizance of the said statement.

7. This Court repeatedly queried the learned counsel for the petitioner whether he continues to stick to the said allegation. The petitioner's counsel firmly asserted that an enquiry can be directed to be made. Thereupon, this Court *suo motu* impleaded the Sub Treasury Officer of Paramakudi and directed him to file an affidavit in this regard. Today when the matter was taken up for hearing, an affidavit was filed by the impleaded Assistant Treasury Officer, Paramakudi and it reads as follows:-

"I respectfully submit that the Challan No.14734 dated 06.02.2017 remitted by one Ganesan, S/o.Kayambu, Keelaparuthiyur. He paid Rs.2,00,000/- through State Bank of India, Paramakudi in the name of Revenue Deposit. Our office received two receipts from the Bank one has forwarded to District Treasury Office, Ramanathapuram, remaining one is kept in our office. I verified the same and I confirmed the payment of Rs.2,00,000/- by the above mentioned Ganesan through above said treasury challan."



8. I am satisfied that the allegation made on the last occasion by the petitioner has turned out to be incorrect. The affidavit filed by the Assistant Treasury Officer, Paramakudi falsifies the statement made by the writ petitioner in this regard.

9. Therefore I do not want to consider any other contention made by the petitioner. Therefore, W.P(MD).No.14083 of 2018 is partly allowed and the respondents 1 to 3 are directed to conduct re-auction for cutting of Seemai Karuvelam Trees in Survey No.13, Keelaparithiyur Kanmai. Accordingly, W.P(MD).No.25476 of 2018 stands dismissed. No costs. Consequently, connected Miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar

To

1.The District Collector,
Collectorate,
Ramanathapuram, Ramanathapuram District.

2.The Sub Collector/
The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Paramakudi Taluk, Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk,
Paramakudi, Ramanathapuram District.

4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Paramakudi Taluk, Ramanathapuram District.

5.The Sub Treasury Officer, Paramakudi.

+2CCs to Mr.S.LOUIS , Advocate SR.No. 54282,54281.

+2CCS to M/s.M.S.JEYAKARTHICK , Advocate SR.No. 54429,54428

+1CC to The Special Government Pleader SR.Nos.54326,54348.

W.P. (MD) Nos.14083 and 25476 of 2018

14.03.2019