



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

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W.P.(MD)No.6290 of 2018

R.Sekar

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Executive Engineer,
Water Resources-PWD,
Manjalar Division,
Periyakulam,
Theni District.

3.The Section Officer,
Water Resources-PWD,
Manjalar Division,
Periyakulam,
Theni District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to permit the petitioner for enjoyment/harvest of the property considering the successful bid dated 03.05.2011 and considering the petitioner's representation dated 08.01.2011.

For Petitioner	: Mr.P.Muthuvijayapandian
For Respondents	: Mr.C.Ramesh Special Government Pleader

O R D E R

This Writ Petition is filed to direct the respondents to permit the petitioner for enjoyment/harvest of the property considering the successful bid dated 03.05.2011 and considering the petitioner's representation dated 08.01.2011.

2.Heard Mr.P.Muthuvijayapandian, learned counsel appearing for the petitioner and Mr.C.Ramesh, Special Government Pleader.

3. The petitioner has made a representation to the second respondent on 08.01.2018 stating that one Mariammal illegally entered into the property and damaged the harvest. According to the petitioner, silk cotton, mango, jackfruit and coconut ground is



located at Varaganathi canal at Periyakulam in which belongs to the second respondent's department. Periodically, the second respondent has auctioned the said property and its enjoyment to the public. At this juncture, the respondents 2 & 3 were conducted the auction of the said property for its enjoyment of the year 2011 dated 03.05.2011 on the same day, the petitioner participated in the said auction and declared as successful bidder of the properties on the same day, the third respondent handed over the possession of the property to the petitioner.

4. In the meantime, one Mariammal and her family members were illegally entered into the property and damaged the harvest. Therefore, the petitioner has made a criminal complaint to the Sub-Inspector of Police, Periyakulam, Thenkarai Police Station and no action has been taken by the police. On the other hand, the respondents 2 & 3 were kept pending the matter for the past 6 years without conducting any auction of the said property. The petitioner was successful bidder of the property for the enjoyment of the year 2011 and deposited a sum of Rs.7,500/- to the second respondent.

5. Further, the petitioner has made a representation to the second respondent that on the proposal of the aforesaid tender notification dated 24.04.2011, the period expired on 30.09.2012 and hence, the petitioner is entitled to seek for extension of lease period.

6. The learned Special Government Pleader appearing for the respondents would submit that the petitioner has approached this Court after the delay of 8 years from the date of expiry of notification and hence, the writ petition may be dismissed.

7. In view of the submission made by the learned Special Government Pleader, the prayer sought for by the petitioner to seek extension of lease period is rejected. Insofar as the damages are concerned, the petitioner has made an application before the authority to refund the deposited money, the second respondent has to consider the said representation.

8. In the light of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, is inclined to direct the second respondent to consider the representation of the petitioner insofar as the refund of the deposited money is concerned by taking note of the submissions and objections raised by the learned Special Government Pleader and pass necessary orders, on merits and in accordance with law, after giving notice to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



9. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
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Theni.

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+1 CC to M/s.SPL GP (SR-18469[F] dated 30/09/2020)

W.P. (MD) No.6290 of 2018
29.09.2020

SCR(CO)
KB(09.10.2020) 3P 5C