

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HON'BLE MR.JUSTICE B. PUGALENDHI

WP No.19315 of 2020
and WMP.Nos.23908 & 23910 of 2020

O.L.Kannan

... Petitioner

Vs

1. The District Collector
cum Inspector of Panchayat
Dharmapuri District,
Dharmapuri.
 2. The Assistant Director,
Panchayat,
Office of District Collector,
Dharmapuri.
 3. The Commissioner/Block Development Officer,
Eriyur Panchayat Union,
Eriyur 636 810
Dharmapuri District.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned auction notice dated 01.12.2020 made in Na.Ka.No.658 of 2020/Aa2 and consequential notice dated 10.12.2020 issued by the 3rd respondent and quash the same consequently direct the respondents to grant the renewal of lease to the petitioner for further period one year with an enhancement of 15% to operate the Boat services at Ottanur - Kottaiyur in the third respondent Panchayat Union.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Parameswaran
Govt.Advocate for R1 & R2

Mr.G.B.Rajesh
Govt.Advocate for R3

ORDER

This Writ Petition has been filed for the issue of Writ of Certiorarified Mandamus to call for the records of the impugned auction notice dated 01.12.2020 made in Na.Ka.No.658 of 2020/Aa2 and consequential notice dated 10.12.2020 issued by the 3rd respondent and quash the same consequently direct the respondents to grant the renewal of lease to the petitioner for further period one year with an enhancement of 15% to operate the Boat services at Ottanur - Kottaiyur in the third respondent Panchayat Union.

2. The case of the petitioner is that he is a registered contractor and license holder with the Rural Development Department, particularly with third respondent Panchayat Union. This writ petition is filed as against the auction notice dated 01.12.2020 in Na.Ka.No.658 of 2020/Aa2 and the consequential notice dated 10.12.2020 issued by the third respondent Block Development Officer, Eriyur Panchayat Union. The third respondent is permitting the operation of goods and services at Ottanur - Kottaiyur across Kaveri river and every year auction is conducted and the successful bidders are permitted to operate boat services between the Ottanur - Kottaiyur. The petitioner who is an existing license holder has filed this writ petition challenging the auction notice and sought for a consequential relief to renew the lease to him for a further period of one year with an enhancement of 15% of lease amount.

3. Heard both sides and perused the materials available on record.

4. This Court while entertaining this writ petition has directed the petitioner to participate in the auction to be conducted on 17.12.2020 to ensure whether any revenue loss would be caused to the Government exchequer. Accordingly, auction was also conducted on 17.12.2020 wherein one Vasudevan has quoted for a sum of Rs.25,10,000/-, whereas the petitioner has quoted Rs.25,06,000/-. Though Vasudevan is supposed to be the successful bidder, the petitioner made a further request that he is inclined to take up the contract for more amount, subsequent auction was also conducted at the request of the petitioner on 30.12.2020 wherein the said successful bidder Vasudevan has quoted Rs.40,35,000/- and wherein this petitioner quoted Rs.40,30,000/-. Though it appears that the third respondent got a considerable amount due to this auction, pursuant to the notification whether it is on competition or not, it appears that a service which can provide a revenue up to Rs.40 lakhs, has been given to the petitioner on the previous auction for a meagre sum of Rs.3,70,000/- and it would indicate the manner of auction

being conducted by the authorities concerned in some of the cases. Though there is a possibility for revenue for the Government in most of the cases, they are renewing the license fee by enhancing 15% of lease amount, thereby curtailing the opportunity for participation of others in the process of auction and thereby revenue for the Government is prevented.

5. In view of the subsequent events in this case, this Court is not inclined to entertain this writ petition. Accordingly this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To

1. The District Collector
cum Inspector of Panchayat
Dharmapuri District,
Dharmapuri.
2. The Assistant Director,
Panchayat,
Office of District Collector,
Dharmapuri.
3. The Commissioner/Block Development Officer,
Eriyur Panchayat Union,
Eriyur 636 810
Dharmapuri District

+1cc to the Government Pleader SR.901

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VSN II(CO)
CB(04/02/2021)