



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.2622 of 2021

C.Senthilkumar

... Petitioner

Vs.

1. The Executive Officer,
Annavaasal Town Panchayat,
Pudukottai District.

2. The Special Tahsildar,
Annavaasal Town Panchayat,
Pudukottai District.

3.Subramanian

... Respondents

(R3 was impleaded as party respondent in this writ petition vide order passed in W.M.P.(MD).No.6148 of 2021 dated 02.07.2021)

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned tender notification in respect of Scheduled Item Nos.1 and 2 as per resolution No.540, dated 22.12.2020 (served on 09.02.2021) of the respondents and quash the same and consequently, direct the respondents to extent the period for collecting licence fee by considering the representation of the petitioner, dated 19.01.2021.

For Petitioner

: Mr.J.Anandkumar

For Respondents

: Mr.Karuppasamy Pandian

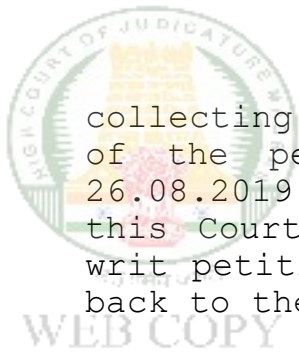
for RR1 &2

Mr.D.Rameshkumar for R3

ORDER

This writ petition has been filed challenging the tender notification issued by the second respondent and for consequential direction to the respondents to consider the representation made by the petitioner, on 19.01.2021, wherein, the petitioner has sought for extension of his licence period.

2.The case of the petitioner is that he is a registered Contractor and he participated in the tender that was called for by the first respondent in the year 2018-2019 with respect to



collecting fee from the daily market and weekly market. The licence of the petitioner came to be cancelled by proceedings, dated 26.08.2019. The same became a subject matter of challenge before this Court in W.P.(MD).No.19680 of 2019. This Court allowed the writ petition by an order, dated 18.10.2019 and remanded the matter back to the file of the respondents.

3.The further case of the petitioner is that the respondents permitted the petitioner to continue with his licence till March 2020. Thereafter, once again a tender was called for and the petitioner was the highest bidder and he was awarded the tender for a period of one year commencing from 01.04.2020 to 31.03.2021.

4.The grievance of the petitioner is that due to lock down he was not able to collect any fee from the daily market or the weekly market and as a result of the same, he suffered huge monetary loss. The petitioner, therefore, made a representation to the respondents seeking for extension of the licence period. The respondents went ahead and issued a tender notification, on 09.02.2021 to conduct a public auction, on 11.02.2021. This tender notification became a subject matter of challenge in the present writ petition.

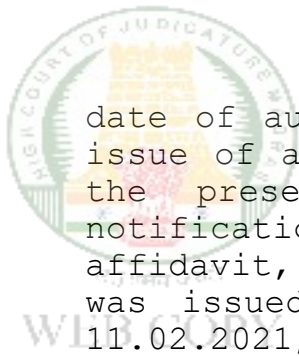
5.The first respondent has filed a counter affidavit. The first respondent has taken a stand that the period of licence of the petitioner has come to an end and that the petitioner had sought for extension of the period even without remitting the 5% increased lease amount two months prior to the expiry of the lease. Therefore, the claim made by the petitioner is not sustainable. It has also been mentioned in the counter affidavit that the respondents proceeded further to issue a publication on 09.02.2021 and called for the bids in order to conduct a public auction on 11.02.2021.

6.Heard Mr.J.Anandkumar, learned counsel appearing for the petitioner and Mr.Karuppasamy Pandian, learned counsel appearing for the respondents 1 and 2. This Court also heard the learned counsel Mr.D.Rameshkumar, the learned counsel appearing for the successful bidder.

7.In the considered view of this Court, the claim made by the petitioner seeking for extension of licence period cannot be granted by this Court. The period has come to an end and the respondents have already taken steps to issue a tender notification and a successful bidder has already been chosen in the tender.

8.This Court is now more concerned about the manner in which the tender notification was issued in this case. Rule 14 of the Tamil Nadu Panchayat (Procedure for Conducting Public Auction of Leases and Sales in the Panchayats) Rules 2001, specifically provides that the notice of auction of lease or licence must be

<https://hccs.courts.mt.in/licences/>



date of auction. Rule 14 and Rule 15 specifically deals with the issue of auction notice and the publication of auction notice. In the present case, there has been violation in the tender notification issued by the second respondent. Even in the counter affidavit, it has been clearly stated that the tender notification was issued, on 09.02.2021 and the public auction was fixed, on 11.02.2021, within two days. This is completely in violation of the Rules and therefore, this Court has to necessarily interfere with the tender notification.

9. In view of the above, the tender notification issued by the second respondent is hereby quashed. It is left open to the respondents to issue a fresh tender notification in compliance with Rule 14 and Rule 15 of the Tamil Nadu Panchayat (Procedure for Conducting Public Auction of Leases and Sales in the Panchayats) Rules 2001 and the licence shall be granted for the collection of the fees from the daily and weekly market to the highest bidder.

10. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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 Executive Officer,
Annavaasal Town Panchayat,
Pudukottai District.
2. The Special Tahsildar,
Annavaasal Town Panchayat,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-21203[F] dated 05/07/2021)

W.P. (MD) .No.2622 of 2021
02.07.2021

RC (19.07.2021) 3P-4C